This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

7099

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

64TH CONGRESS : : : 1ST SESSION

DECEMBER 6, 1915-SEPTEMBER 8, 1916

HOUSE DOCUMENTS

VOL. 145

WASHINGTON : : GOVERNMENT PRINTING OFFICE : : 1916

Digitized by Google

262170

Digitized by Google

CONTENTS

No.
859. Labor difficulties in coal fields of Colorado.
862. Hours of labor in Panama Canal Zone.
866. Draft of legislation to amend currency act.
867. Dry coloring matter for Bureau of Engraving and Printing.
885. Challenged mixed-blood cases, White Earth Agency, Minn.
886. Recommending modifications in immigration bill.
945. Release of certain land to St. Augustine, Fla.
946. Amendments to penal laws relating to mutilation of coins, etc.
965. Amendments to Revised statutes relating to patent fees, etc.
1034. Message of President relative to relations with Germany.
1038. Development of East Potomac Park, District of Columbia.
1053. Premium payments in Government employment.
1056. Speeches on bill to accept gift of homestead of Abraham Lincoln.
1084. Transportation of property of officers and men of Army.
1092. Proceedings in House on anniversary of birth of Joseph G. Cannon.
1114. Report of Rock Creek and Potomac Parkway Commission, 1916.
1153. Case of Samuel Schwarz.
1185. Reduced rates for transportation of United States troops.
1192. Report on automatic train-control system.
1237. Note of State Dept. to de facto Government of Mexico, June 20, 1916.
1248. Per capita payments to Choctaw, Chickasaw, and Seminole Indians.
1261. Proposed amendment to criminal code relative to obscene objects.
1307. Eleventh annual report of American National Red Cross.
1308. Citizenship of Samuel Schwarz.
1311. Transportation of militia to Mexican border.
1315. Speeches of notification and acceptance of Republican nomination.
1320. Contract with Shanghai Dock and Engineering Co. for construction of collier.
1321. National Guard data.
1331. Breakwater in front of marine hospital, Chicago, Ill.
1332. Record of judgment in claim of Mille Lac band of Chippewa Indians.
1334. Message of President vetoing army appropriation bill.
1335. Veto message relative to public lands for cemetery and park purposes.
1336. Letter relative to national forest road law.
1340. Message of President on hours of service on railroads.
1343. Draft of legislation relative to National Archives Building.
1344. Claim for damages to Italian bark Fenice.
1354. Unveiling of statuary of pediment of House wing of Capitol.
1355. System of accounts for retail merchants.
1356. Fundamentals of cost system for manufacturers.
1357. Reclamation and development of Anacostia River and flats, D. C.

Digitized by Google

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 859.

LABOR DIFFICULTIES IN THE COAL FIELDS OF COLORADO.

LETTER

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

REPORT OF THE COLORADO COAL COMMISSION ON THE LABOR DIFFICULTIES IN THE COAL FIELDS OF COLORADO DURING THE YEARS 1914 AND 1915.

MARCH 8, 1916.—Referred to the Committee on Mines and Mining and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, a report made to me by Messrs. Seth Low, of New York City; Charles W. Mills, of Philadelphia; and Patrick Gilday, of Clearfield, Pa., in the matter of the labor difficulties in the coal fields of Colorado, during the years 1914 and 1915.

WOODROW WILSON.

THE WHITE HOUSE, *March 8, 1916.*

The PRESIDENT,
Washington, D. C.

SIR: Referring to the report of progress submitted to you under date of March 5, 1915, in which we gave our reasons for deferring our trip to Colorado until the end of the year, your Colorado Coal Commission begs leave to report that it has just returned from a visit to Colorado, during which it inquired carefully into all the matters referred to it by you in your letter of instructions dated December 21, 1914. You will recall that in March, 1915, substantially all of the operators, except the Colorado Fuel & Iron Co., declined to accept the good offices of the commission. It goes without saying that during our recent visit, in view of its early agreement to cooperate with your commission, the Colorado Fuel & Iron Co.

placed itself entirely at our disposal. We are happy to report that we also received the active cooperation of all the operators whom we were able to reach, and that, without exception, every operator with whom we conferred answered our questions without reserve, showed us his pay rolls when desired, and in every way aided our inquiry. The representatives of the United Mine Workers of America also were in frequent conference with us. The conclusions which we have reached, therefore, are based upon as comprehensive a survey as circumstances would permit.

In your letter of instructions dated December 21, 1914, you called our attention to certain findings of the Anthracite Strike Commission. For example, Finding IV, which provides for a board of conciliation on which both the operators and the miners are to be represented; Finding V, which secures to the miners the right, at their own expense, to check the weights upon which they are paid; and Finding IX, which provides "that no person shall be refused employment, or in any way discriminated against, on account of membership or nonmembership in any labor organization; and that there shall be no discrimination against, or interference with, any employee who is not a member of any labor organization by members of such organization"; and you asked us to report "whether these principles which have served to secure peace by agreement in Pennsylvania for 12 years in the anthracite coal industry are not now suitable and applicable to the conditions in Colorado," and "whether it would not be possible to obtain their acceptance there."

Since your letter of instructions was written the State of Colorado has passed three laws which have an important bearing upon the situation as it exists to-day: (1) A law creating an industrial commission, with large powers of mediation and investigation in relation to all industrial disputes; (2) a workmen's compensation law; and (3) a law allowing the formation of mutual insurance companies for the purpose of insuring under the workmen's compensation act. The Colorado mining laws provide for checkweighmen to be selected and paid by the men mining coal. The State industrial commission has been receiving the full cooperation of the State mine inspector's office in investigating every complaint under this head. The industrial commission not only investigates complaints as to checkweighmen, but it goes to the bottom of every complaint as to the short weighing of coal in any form whatever. "In most cases," the commission says, "these complaints come from small mines, and upon investigation have, in almost every case, been found groundless." In one instance, however, scales upon being tested were found to be weighing light, and this has resulted in an indictment on the part of the district attorney. The miners at every mine are entitled to have a checkweighman if they want him, but they are not compelled to have one. The industrial commission further says:

> In one instance complaint was made to the commission that a mine employing more than 30 miners did not have tipple scales, but paid its men for mined cars. This practice is contrary to law, and when this complaint was received an immediate investigation was made by the coal-mine inspector of that district.
>
> The operator in this instance was notified by the coal-mine inspector's office that he could either pay his men a regular daily wage and continue the practice of not weighing the mined coal or he must install scales. Our report from the coal mining department shows that this operator has made arrangements for tipple scales to conform with the requirements of the Colorado coal mining laws.

Digitized by Google

These instances suffice to show that the coal miners of Colorado are not only entitled by law to have a checkweighman if they desire, but that the State has also created an efficient agency for enforcing this right wherever it is denied. The State has equipped the industrial commission with the fullest powers of investigation and with the right to summon witnesses and to administer oaths. It would appear, therefore, that, in the matter of checkweighmen, the laws of Colorado not only grant the right to the miners to have checkweighmen if they desire, but also that the laws now provide amply for the enforcement of this right. At a number of the mines which your commission visited it found checkweighmen on duty. In only one instance was a complaint upon the subject brought to their attention, and this complaint was communicated to the State industrial commission, which took action to investigate it without delay.

In regard to so much of your instructions as relate to a board of conciliation on which both the operators and the miners are to be represented, and to the absence of discrimination on account of membership or nonmembership in any labor organization, your commission would report that the situation in Colorado, in this respect, is dominated by the plan put into operation by the Colorado Fuel & Iron Co. about the 1st of October, 1915, for the regulation by contract of the relations between the company and its employees as provided by said plan. The other coal operators of Colorado are following the developments under this plan with undisguised interest. If the plan works successfully, your commission believes it to be practically certain that the other large operators of Colorado will move along corresponding lines. Whether the plan can be adopted by the smaller operators is more open to doubt. No general plan covering the whole of Colorado is practicable at the present time. The Colorado Fuel & Iron Co.'s plan covers many of the points you have inquired about, so far as their own employees are concerned. In the other companies the relation that exists remains as it was, that between the employer and the employees as individuals.

The system prevailing at the mines of the Rocky Mountain Fuel Co., the Victor-American, and other large operators is for the superintendent at each mine to set aside a certain specific time for the hearing of complaints from employees, and any employee is privileged to take up his complaint with the superintendent if he feels proper consideration or redress has not been granted by the mine foreman or pit boss. These complaints and the disposition of the same are sent by the superintendent each day to the executive officer having charge of operation, and if on any day there is no complaint made to the superintendent, the superintendent notes that fact on his daily report to his superior official.

In view of the general situation it must be said that for the time being there is no disposition among the other operators to create any board of conciliation on which both the miners and the operators should be represented for the consideration of complaints and much less for the purpose of dealing collectively with problems of the district.

It is only fair to say that your commission believes that the public opinion of Colorado to-day is much more keenly alive than it was to everything connected with the welfare of the workingman. It appreciates perhaps even more than before the neces-

Digitized by Google

sity of maintaining public order in the general interest; but the laws which have been passed by the State for the creation of the industrial commission, for workmen's compensation, and for mutual insurance companies received the support of the employers of the State as well as of the representatives of organized labor. A common interest in all such questions has thus been recognized, from which, in the long run, great benefits to the State are sure to follow. Your commission became aware of only one disturbing element in the industrial situation. About 400 indictments were found after the strike, and all of these were of strikers. Some of the citizens of Colorado believe that many illegal acts were committed on the part of the operators, and the justice which finds all the indictments on one side does not seem to them even-handed. Your commission naturally expresses no opinion as to the correctness of this belief. It simply calls attention to the existence of this feeling.

Again, it is believed by some, even among the operators, that in many of these cases the State has not sufficient evidence to convict. In such cases—and your commission believes that there are such—the men affected are suffering from great injustice, in that they are either confined in jails, unable to get bond, or if out on bond they are refused employment in Colorado on account of the indictments against them, and are prevented from leaving Colorado or the jurisdiction of the court by their bondsmen. As long as this condition of affairs exists the industrial health of Colorado will be weakened by this festering sore. It is not the business of your commission to weigh the rights and wrongs of the case, but we should fall short of our duty if we did not call attention to this feature of the situation and emphasize the importance to the State of providing a prompt remedy. Even in the interest of public order, in the long run, this situation should be quickly ended.

It is evident to your commission that out of the recent coal strike in Colorado two things have emerged which have much more than local importance. The first is the peculiar power granted by the State of Colorado to its industrial commission. The second is the plan put into operation by the Colorado Fuel & Iron Co. for regulating by contract the relations between the corporation and its employees.

THE COLORADO STATE INDUSTRIAL COMMISSION.

Colorado is the first of the States of the Union to grant to its industrial commission the powers of compulsory investigation which are granted by the Canadian act as to all "industries affected with a public interest," but this power does not extend to compulsory arbitration. The provisions contained in the Canadian act which forbid either a strike or a lockout for 30 days while an investigation of the case is pending, but which leave either party free to act as it pleases after investigation, are contained in the Colorado act; but the Colorado act, as interpreted by the industrial commission, goes even further; for it is held to make the same methods applicable to all industrial disputes arising in any industry, thereby taking the advanced position that the public is vitally interested in every industry and its abrupt stoppage is a menace to public welfare. By

Digitized by Google

reason of these provisions of the law the industrial commission of Colorado has been able already to avert a number of strikes and to bring about mutually satisfactory settlements in a number of cases without any interruption to industry from either side.

It must be pointed out, however, once more that the Colorado law does not contemplate compulsory arbitration, either directly or indirectly. When the investigation is completed by the State industrial commission, either party is free to accept or disregard at its pleasure the findings or recommendations of the industrial commission; but the law does contemplate and provide a compulsory investigation by public authority before industry can be interrupted.

Organized labor in the United States has not heretofore been friendly to the adoption of this principle of compulsory investigation when associated with the necessity of giving notice of an intention to strike. Organized labor in the light of long experience looks upon the strike as its most efficient weapon for giving weight to its demands; and up to the present time it has always looked with distrust upon the provisions of the Canadian law, because it has feared that with 30 days' notice an employer can make such provision to defeat a strike as to make a strike impossible of success or at least very much lessen its chances of success. It is interesting to note that at the convention of the United Mine Workers held in Indianapolis on January 18 of this year, comprising 400,000 miners in the United States, it was almost unanimously voted to continue at work while negotiations were pending for a new wage agreement. Heretofore the sentiment has usually been the reverse, namely, if a new contract were not executed to commence upon the expiration of the old contract that there should be a cessation of work upon the day and hour the old contract terminated.

As against this view of organized labor, it is clear that the interest of the public is very great in the prevention of the losses, and sometimes the violence, incident to the arbitrary interruption of any industry by a strike. The Industrial Commission of the State of Colorado, therefore, is charged with a responsibility that far transcends the limits of the State, for Colorado is the only State in the Union to-day which has an industrial commission clothed with such powers; and if the commission of the State of Colorado is able to administer the law in such a way as to overcome the objections of organized labor to this system, by demonstrating that the essential interests of organized labor can be safeguarded under it, the Industrial Commission of the State of Colorado will have made a far-reaching contribution to the adjustment of industrial relations throughout the United States.

THE COLORADO FUEL & IRON CO.'S PLAN.

The first step on the part of the Colorado Fuel & Iron Co., looking to the consideration of grievances and the adjustment of the same, was to appoint an industrial representative of the president whose duties were to visit all the mines of the company, to discuss any grievances with individuals or committees, and who was empowered to adjust the same immediately, as representing the president of the company. This industrial representative of the Colorado Fuel & Iron Co. has been retained, and still settles nearly all grievances

Digitized by Google

which are not locally adjusted that arise at the various mines of the Colorado Fuel & Iron Co.; but in the event that no settlement is reached between this industrial representative of the president and the one aggrieved at any mine, the grievance is then taken up through the various channels provided in the industrial plan of the Colorado Fuel & Iron Co.

The plan of the Colorado Fuel & Iron Co. to regulate by contract its relation with its own employes and to provide under the terms of said contract for the adjustment of grievances is also a new departure in the United States. Indeed, your commission knows of nothing just like it in force anywhere. The importance of it, as an effort on the part of a large corporation to regulate its relations with its own employees, by contracting with them instead of through a trade agreement made with a labor union, justifies your commission in discussing this plan with great care.

The plan is conceived of by the Colorado Fuel & Iron Co. as something more than a means of escaping from dealing with the union. If the large significance of it is to be understood, the philosophy upon which it is based should be made clear. The plan assumes that the development in industry in this country has run, and is likely to run, parallel in the main to the political development under democratic conditions. In political life the first struggle with arbitrary power is for a magna charta; or, as we would say in this country, a bill of rights. This being obtained, the next demand is for representation on the part of those whose rights have been recognized.

Representation in the first instance has been achieved by a part of the body politic only; but time has inevitably broadened such representation till all are included. Representation being granted, the next step is to make the executive responsible to the representatives, as in England; or directly to the people, as in this country. That, in brief, has been the course of democratic political development. The Colorado Fuel & Iron Co.'s plan, to be understood, should be studied in the light of this illustration. The plan assumes that the control of industry is to have a development parallel to that of public affairs; and that this development has already proceeded up to the point now to be indicated. The plan recognizes that the trade union has striven to secure for labor, unorganized as well as organized, and to a great extent has succeeded in securing for all labor its bill of rights; namely, among other things, its right to organize, its right to representation, and its right to collective bargaining as to everything relating to hours of labor, rates of pay, and conditions of employment. To the extent that labor is organized the men in the organization have secured industrial representation, while unorganized labor is without such representation.

Following out this idea, the Colorado Fuel & Iron Co. has put into its contract with its men that every one of them has the absolute right openly to belong to a labor union or not, as he pleases; but, in view of the fact that many men in the company's employ do not belong to labor unions, it offers the rights of representation, which are embodied in the company's plan to unorganized labor in its employ as well as to organized labor. In other words, as between the company and its employees, all have the right of representation, and not those only who are organized. If the political parallel is

Digitized by Google

to be further justified, the time is likely to come when, in some way, the working force will have some measure of control over the executive; but, pending that development, the Colorado Fuel & Iron Co.'s plan provides for the submission by agreement to the State Industrial Commission of Colorado of all questions in dispute between the company and its employees as to "any matter pertaining to the prevention and settlement of industrial disputes, terms, and conditions of employment, maintenance of order and discipline in the several camps, company's stores, etc." The contract binds the company to accept the industrial commission's findings on any of these matters. This broad statement is believed to be justified by reading together Part II, section 7, and Part III, sections 15, 16, and 17 of the plan.

So much for the philosophy of the plan. Without going into too much detail it is sufficient to say that the company, by a formal vote of its directors, submitted to its employees in its coal mines a proposed contract to regulate, until January 1, 1918, the rate of wages, conditions of employment, and the adjustment of grievances. This contract was submitted to the vote of the miners at each mine owned by the company and was adopted by the majority vote of all the miners at every mine but one. A later vote at this mine gave a two-thirds vote in favor of the plan in place of a two-thirds vote against it. Latterly the company has extended this plan to the employees of the iron mines which it owns, and to its steel plant. There are 22 nationalities represented in the coal mines of the company. On account of this diversity of language the method adopted for securing from the employees of the company an unbiased vote was the following, as stated by the company:

A red ticket was used to indicate a man's rejection of the plan, and a white ticket his acceptance. After the significance of the different colored tickets was explained to the men two men were stationed close to the booth containing the ballot box, each one of whom had a number of the different colored tickets. One red and one white ticket was handed to each man as he passed these two men. In cases where there were two representatives (of the men) present, they were the men used to hand out the tickets.

In all cases the ballot box was either inclosed in a booth with the open side turned toward the wall, or placed in an anteroom off the main meeting room, so that there would be no opportunity for any person other than the voter to know how his ballot was cast.

The essential features of the plan seem to your commission to be (1) that the relations between the company and its employees, as a body, are defined by contract; (2) that every employee is guaranteed the right to belong to a labor union or not, as he pleases; and (3) that the men in each mine under this contract are entitled to choose their own representatives, these representatives being protected against abuse by the company by a clause in the contract which entitles them, if they even think that they have been discriminated against because of their action as representatives of the men, to appeal to the industrial commission of the State; and the contract binds the company on this point also, to accept as final the finding of the State industrial commission. The contract provides that any miner having a grievance, or any group of miners, may appeal from one authority to another until the president of the company is reached. The influence of this provision, although the contract has been in operation so short a time, has been greatly to modify the

Digitized by Google

attitude of the mine foremen and mine superintendents and of the subordinate officials.

The temptation to be arbitrary is greatly lessened when an official knows that an appeal will lie from his decision, and the company is already finding that an increasing number of complaints are adjusted locally. The plan provides further for the selection of four joint committees representative of the company and of its employees: (1) On industrial cooperation and conciliation; (2) on safety and accidents; (3) on sanitation, health, and housing; and (4) on recreation and education. This part of the plan went into operation only with the beginning of this year. It evidently contemplates the most far-reaching cooperation between the employees as a body and the corporation, as to all matters which affect the working and living conditions of the employees. It assumes cooperation between the parties and not antagonism.

The plan is carefully worked out in every detail; but in detail it does not seem to be necessary for your commission to discuss it. The attitude of the other coal operators to the plan may be described as one of "watchful waiting." Some of them fear that it goes so far as to lend itself readily to the unionizing of all the mines of the company through the activities of the United Mine Workers of America. The representatives of this organization in Colorado, on the other hand, have no use for the plan at all. They think that it has not been adopted in good faith, and they say that the miners working in the mines are afraid to express their real opinions, either in the choice of representatives or in the expression of grievances or as to membership in the union, and they point out that whatever may be the success of the plan in the adjustment of grievances when a new contract is to be made the employees of the company have no such power to deal as an independent body with the company as miners enjoy when they are represented by a labor union that is wholly independent of the company. It remains to be seen whether the right to refer questions in dispute to the State industrial commission will serve as a satisfactory substitute.

It must be said that there is no effort being made on the part of the organization to ascertain whether the company is acting in good faith or not. Their contention that the miners are not free under the industrial plan to express their real opinions and that they dare not avow their membership in the union could readily be tested if one of their representatives would express his real opinion and any action were taken by the company against such an individual. Your commission, upon hearing the complaints to the effect that a member of their organization would be promptly discharged if he made his membership known to the foreman or his associates, endeavored to have some individual follow this course in order that your commission might discover if there was any real discrimination on account of membership in the organization, but we were unsuccessful in getting any of the leaders with whom we conferred to agree to such a course unless we would guarantee that anyone doing so would not lose his place. That, evidently, was not our province, neither was it in our power to do. Your commission called the attention of the miners' representatives to the fact that some of the very things which they complained of could be speedily remedied by adopting the methods provided for in the industrial plan, and also called attention

Digitized by Google

to the remedy provided by the State industrial commission for the alleged unwillingness in certain cases to have a checkweighman and pointed out that in this case the miners had not employed the remedy which is at their command.

Your commission is of the opinion that the plan has been adopted by the Colorado Fuel & Iron Co. in entire good faith and is being operated with a single-hearted desire to make it successful. The industrial plan of the Colorado Fuel & Iron Co. also has a most important feature as affecting any wage contract, in that it makes the negotiations for the settlement of wages and working conditions lie entirely between its employees and its officials, whereas the contracts usually negotiated between those operators who recognize and deal with the United Mine Workers' organization are negotiated between officials of the organization, either national, district, subdistrict, or local, and a committee composed of one of each of these officials in conjunction with representatives of the employees of the particular company which is a party to the agreement.

It is not possible for your commission to measure the amount of distrust existing on the side of the company's employees, especially as some distrust is not unnatural in view of the recent past; but it is reasonable to assume that time will tend to dissipate this distrust, so far as it now exists, if the plan continues to be operated by the company in good faith. Your commission can not believe that a body of American men granted such rights as the Colorado Fuel & Iron Co.'s employees now enjoy under this plan by formal contract can permanently be deprived of those rights. The test which will determine whether or not the plan deserves to survive will come, it seems to your commission, when a new contract between the company and its employees is to be made, namely, on January 1, 1918. The question to be determined is whether the body of employees of a large corporation, in making a new contract, can protect themselves under such a plan with its right of appeal to the State industrial commission, or under any modification of such a plan which time may develop, as well as their interests can be protected by a trade-union, which endeavors to represent the employees of an entire industry in all negotiations relating to the conditions of employment, the rate of wages, and the hours of labor. There is no plan in operation anywhere, so far as your commission is informed, which raises this question so concretely as the plan now being put into operation by the Colorado Fuel & Iron Co. The outcome of the plan can not fail to exert far-reaching influence on the industrial developments of the future. In view of the importance of the subject, your commission submitted every criticism made upon the operation of the plan to the president of the Colorado Fuel & Iron Co. and from him received various letters explaining every circumstance included in such criticisms. Without following out these matters in detail, it is enough to say that those replies satisfied the commission of the company's good faith.

Your commisison endeavored by the freest conference to ascertain all the conditions affecting labor existing to-day in the Colorado coal-mining industry, without going into the past in any particular. The coal mined in Colorado varies in character from the anthracite to the lignite, and the State is divided into four distinct districts, the coal from no two of which is alike. In the field about Trinidad and

Digitized by Google

Walsenberg or in Las Animas and Huerfano Counties the coal is of two kinds, both bituminous in their nature, one, however, being a coking coal and particularly adapted for steam uses, while the other, somewhat harder in its characteristic and spherical in form, is more lumpy and an exceptionally fine domestic fuel. The seams of coal vary in thickness from 4 to 9 feet in the southern field, with fairly good roof and even bottom, affording excellent opportunities for machine mining. The coal is particularly free from impurities, runs low in sulphur and ash, and is, therefore, an exceptionally desirable fuel for domestic use. The miners employed in these two counties are favored with more work than in the northern field comprising Boulder and Weld Counties, for practically all of the steam coal mined by the Colorado Fuel & Iron Co. is used in its steel plant at Pueblo, and this plant operates in the summer as well as in the winter, and therefore the miners employed in producing steam coal for the Colorado Fuel & Iron Co. work a larger number of days per year.

The average pay of the miners throughout this field, as well as in the northern field and the Routt County field, as shown by the State mine inspector's report as to wages, is $4 per day, from which must be deducted the cost of his powder and tools. The day wage for men working by the day of 8 hours is from $3.15 to $3.30 and covers drivers, trackmen, etc. The housing conditions for the miners are exceptionally well provided, and every camp that we saw appeared to be doing much for the comfort and welfare of its employees. Bathing houses are provided in some instances free; and in some instances operated for a charge of $1 per month. If there is any charge, the attendant looks after washing out the clothes and hanging them up to dry and keeping the place in order. Many of the camps have clubhouses with pool tables, a reading room, and various games for the enjoyment of the members, and all of the clubs are free for the use of employees.

Schools are maintained for the benefit of the children of the miners. In some instances these schools are provided by the company, at least to the extent of furnishing the building for the same, though the instruction is paid for by the county. In every instance, however, the school is within easy walking distance, if not in the center of the town or camp.

The field of Fremont County, which takes in Canon City and vicinity, is a little different in its characteristic from the southern field, but produces a very high grade of domestic fuel, the greater part of which is consumed in Pueblo, Colorado Springs, and Denver.

The northern field which covers Boulder and Weld Counties, and comprises the flourishing towns of Leyden, Louisville, Lafayette, and Puritan, is a lignite coal lying in a seam from 60 to 200 feet below the surface, and the mines are consequently all shaft or slope mines. This coal varies in thickness from 8 to 14 feet, runs very high in moisture, and decomposes or slacks very quickly upon exposure. Therefore it can not compete for storage purposes with the harder coal from the southern field or from the Routt County field, but must be consumed within a short time after being mined. As a consequence this coal is largely in demand for domestic and steam uses close to its source of production; and as this demand naturally

Digitized by Google

exists for the most part in the wintertime, the miners around there are afforded employment for less than 200 days in the year.

The Routt County field lies in the extreme northwestern part of the State and is reached by the Denver & Salt Lake Railroad, commonly known as the Moffat road, which, with its 8 per cent grade over a portion of the Rocky Mountain Range through snowsheds and tunnels, is far from an ideal coal carrier as compared with our eastern roads. This field comprises a most wonderful deposit of coal, the mines easily accessible with short slopes, and ranging in thickness from 7 to 12 feet. The coal is of a hard and glassy nature, storing nearly as satisfactorily as the Pennsylvania anthracite. The coal is exceptionally free from impurities, and while high in volatile it is in no sense a gas coal, but admirably adapted for both steam and domestic uses, and with the completion of the Moffat road to Salt Lake and an outlet to the Pacific coast this coal should go into the Utah, Nevada, and California markets easily, replacing the present coal from British Columbia and Australia, which is now used in these markets; and it should find an outlet as well into Kansas, Nebraska, and Oklahoma, with large possibilities for export trade through the port of Galveston.

All of the coal mined in Colorado is carefully prepared for market, being sized over shaker screens and bars, and usually passing over picking belts before being loaded into the cars for shipment. The equipment at the mines visited was most modern and up to date, and the mines in all of the districts were operated with the most modern mining machinery for economic production and recovery to the fullest extent of the coal measures, as well as for the protection and safeguarding of the health and lives of the employees.

The most serious drawback to the prosperity of the coal industry in Colorado is the lack of market. When we take into consideration that in 1910 the coal mines of Colorado produced over 12,000,000 tons, while in 1915 the production did not reach quite 9,000,000, despite the calling off of the strike and the general increase in business throughout the country during the latter half of 1915, we appreciate the fact that an adequate market does not at present exist. Within the State of Colorado for the actual coal production there are something like 200 mines, with a capacity at the present time of at least 20,000,000 tons. The falling off in the production during the last five years can be traced to several influences. First, the loss during the strike of territory which can only be regained slowly, if at all; second, the discovery of natural gas and oil in certain parts of the territory which is tributary to Colorado; third, the development of hydroelectric power within the market territory. Your commission naturally is unable to determine the weight to be given to these different influences.

The railroads of Colorado are not cooperating with the coal companies as it would seem they should. Most of the coal going eastward is loaded into box cars, a very expensive operation to the operator, and equally expensive to the consumer in the way of handling the coal upon arrival. Notwithstanding that the coal is carried down grade when going east into Kansas, Nebraska, and Oklahoma, the freight rate on this coal is very much higher per mile hauled than coal from the east to the same points. The answer of the rail-

Digitized by Google

roads to this complaint is that the cars which haul coal from the east to points in Nebraska, Kansas, and Oklahoma can be loaded with grain and other produce when being returned to the eastern mines, while the cars that bring coal from Colorado have to be hauled back empty against the grade. Your commission realizes the problem of the Colorado operators in this respect and it believes this situation should have the most careful consideration of the Interstate Commerce Commission. Coal is transported in the East entirely in cars built for the purpose, which are open at the top, with hoppers in the bottom, and which vary in size from the 30-ton low-side gondola to the battleship holding 75 net tons. So far as your commission knows these cars are never used for anything but coal, and are hauled by the railroads from the mines loaded and returned to the mines empty.

The most serious drawback to the prosperity of the coal industry in Colorado, however, is the shortage of industries within the State itself which might consume the smaller sizes and the slack from the mines and which would keep the mines in continuous operation throughout the year. The manufacturing industries of Colorado are few and far between, and on this account a large part of the coal mined has little, if any, value at the present time, the domestic trade requiring lump coal for its use.

So far as the mining conditions are concerned they are in many respects as nearly ideal as it is possible to make them; but the coal is being mined under the competitive system in Colorado, under conditions which can make coal mining profitable only in the mines where the coal can be placed upon the market most cheaply.

The great irregularity of work, so far as the employees are concerned, is due largely to the fact that the bulk of the coal produced is consumed for domestic use, and therefore consumed during the late fall, winter, and early spring months. A number of miners (but how many the commission has no means of knowing) work during the summer months on farms or ranches, some of whom have taken up their own homesteads and are developing them.

All of the operators maintain that they are employing union and nonunion men indifferently, without discrimination on account of the strike. Broadly speaking, your commission believes that this statement is correct, though there are doubtless some individuals who are not employed, because, as individuals, for one reason or another, they are not wanted, or else that they are undesirable in that they can not be depended upon for continuous service. In the economic mining of coal it is necessary that the headings or entries and rooms shall be driven uniformly, or nearly so, and if the miners working in one room work intermittently the next room will advance faster and will be finished earlier than the one in which the miners have been working irregularly, and before the pillars can be drawn between rooms it is necessary that all the rooms in the territory from which the pillars are to be drawn shall be finished, and then the pillars must be drawn back at the same speed in order to allow for the break in the roof, and the caving to be uniform and without destruction to any of the coal, otherwise a large part of the coal is covered up and can not be recovered.

The Colorado Fuel & Iron Co. in the Freemont County field has taken the ground that with it "bygones shall be bygones," and that

Digitized by Google

it will employ strikers who are under indictment, judging them by their future rather than by their past; and we believe it would be a very happy solution and have a tendency to accomplish much for peace and harmony if all of the operators would take the same position.

In the Trinidad district the union estimates that there are from 25 to 30 union men not now employed, exclusive, perhaps, of those under indictment. In the Walsenberg district the estimate of the union is that there are about 25 not now employed. The local leaders of the organization maintain that those of their members who are employed are afraid to be known as union members, and claim that they would be promptly dismissed if their membership in the organization were known. The operators, on the other hand, claim that this fear is absolutely unfounded, and that they are not in any way concerned as to whether an employee is a member of the United Mine Workers or not. In several instances your commission talked with members of the organization who were employed, and some of these with whom we talked declared themselves, openly in the presence of several others, including the mine foreman, to be union men. Your commission is under the impression that the fear said to be entertained by the miners, so far as the companies are concerned, is probably exaggerated, and is an imaginary fear rather than a real fear. On the other hand, in the employ of every company there are many men who do not belong to the union and who worked in the mines throughout the strike. These men, not unnaturally, think that they are entitled to a preference in matters of employment, and it is not impossible that this feeling is quite as influential as the fear of the companies in making the miners reluctant to acknowledge openly their membership in the union. This situation seems to your commission an inevitable outcome of the conflict which has so recently died out; and it believes that time will steadily, even if only gradually, ameliorate conditions in both of these particulars.

In the so-called northern field, which comprises Boulder and Weld Counties, the discrimination against strikers is on a somewhat greater scale. Prior to 1910 the mines in this district were unionized; and in that year a strike began which continued to some extent up to 1913, although in 1912 and 1913 the mines were so filled with strikers who had returned and with nonunion men that there could hardly be said to be a semblance of a strike remaining. When the strike in the southern field broke out organizers were immediately dispatched to the northern field, and a good many men again came out on strike at that time. During this period many of the miners who had been working for the company during the years when the strike was more or less quiescent took places on ranches or took up homesteads of their own. When the strike was called off they returned to the mines and were given the preference over miners who had remained out on strike since 1910. This is at least the explanation of the operators of the fact which they do not deny, that there are probably 120 men in the northern field who are discriminated against in that sense on account of their connection with the strike. In the northern field there are about 2,000 miners employed, as against 7,500 to 8,000 in the southern field. Your commission is naturally unable to form an estimate of the number of miners who have left Colorado as a result of the strike. It is clear, however,

Digitized by Google

that the number of men now in Colorado who are discriminated against on account of their participation in the strike is not very large. One may hope that, as time softens the asperities of the past, the number will be still smaller.

The attention of your commission was directed to the working of the workmen's compensation act in the State of Colorado, and in this connection it developed that the coal operators had formed a mutual insurance company to insure themselves against the accidents for which they become liable under the workmen's compensation act. It was found that the State fund was created in connection with the workmen's compensation act to insure those engaged in industrial pursuits as employers, but this fund did not start out with any reserve. From the past experiences in the coal-mining industry, as shown by the State mine inspector's report, it would be necessary to charge a very high rate for carrying the risks in the coal industry, which condition would of necessity have to continue until the creation of a fund sufficiently large to take care of a possible catastrophe. As a result of the high rate named by the State the operators organized the mutual insurance company, and this company has reinsured the catastrophe hazard with some of the old-line companies.

The mine inspector of Colorado showed your commission that the number of fatal accidents in the coal mines of Colorado two or three years ago was two and one-half times as great as the average for the United States. Your commission made careful inquiry to ascertain whether the cause of this high rate of fatal accidents was to be found in the geological formation of the mines or in defective laws, or in the administration of such laws as had been enacted. The mine inspector of Colorado, who has had experience in the Illinois fields, and a good many of the operators, believe that the high percentage of fatal accidents has been due in the past mainly to the poor roof which is found in many of the mines of Colorado. It is recognized, however, that prior to the enactment of the mining code of 1913 the law was very defective, though the larger companies had enacted rules and regulations which were very much better than the law then required. But the fact that the mine inspector of the State had at that time no authority to close down a mine known to be filled with explosive gas, nor to prevent a miner who had been discharged for endangering the lives of his comrades by carelessness or negligence from immediately securing employment in another mine where his negligence might again endanger the lives of his fellow workmen, suggests that the poor record of the past was in large measure due to defective laws.

In 1914, however, after the passage of the new code, the fatal accidents in the State were reduced by 7 per cent of the previous total, and the State mine inspector's estimate for the year 1915 will show an even greater reduction of fatal accidents. With the reporting of all accidents, even of an insignificant nature, under the workmen's compensation act, every operator is striving to eliminate accidents in his particular operation. The success of the mutual insurance company in maintaining a low rate of premium is entirely dependent upon the number of accidents which occur in the mines of its members; and the members are putting forth their utmost efforts to bring the standard of safety in those mines which are less fortunate in their geological

Digitized by Google

condition, or less fortunate in their equipment, up to the standard of those more favorably located geologically, and more favorably equipped with modern machinery and appliances. There is undoubtedly very much more timbering being done since the enactment of the workmen's compensation act to protect the lives and health of the miners than was ever done before. In the month of November, 1915, the commission was informed that there was not a single fatal accident in the State of Colorado, which, considering the number of men employed, is somewhat remarkable. This is one of the indirect benefits which in part, at least, offset the losses caused by the great strike.

Another effect on the industry of the creation of the mutual insurance company as affecting working conditions, is the adoption by its members of more uniform rules, and the abolition of practices which heretofore have resulted in such serious losses to the workmen. The idea of "safety first" is carried out to the fullest extent by the operators who are members of the mutual insurance company, and this idea or sentiment will undoubtedly play an important part in the securing of competent men, and in providing safe, healthy places for such men to work in while working, and affording them opportunities for healthy recreation and amusement during their leisure.

Your commission believes the economic side of the industry is worthy of the consideration of the Federal Trade Commission, and we respectfully suggest that the Federal Trade Commission be requested by you to make a careful study of the problem with reference to suggesting legislation which will control the mining of coal in such a way as to conserve it from waste on the one hand, and on the other to permit the industry to be conducted upon conditions that offer the maximum of safety and the maximum of steady employment throughout the year. The evils attached to the present system, whatever may be its merits, are very great, and we believe it to be the part of wisdom that such a study should be entered upon by the Federal Trade Commission at an early date.

Having thus discharged the duties which you have laid upon your Colorado Coal Commission, we have the honor to thank you for the confidence which you have reposed in us, and for the opportunity to report upon a situation so full of interest and importance not only to the coal industry of Colorado, as represented by both operators and miners, but also to all the people of the United States; and, in so doing, we ask you to accept our resignations, and to permit us to consider that our work is done. Whatever might have been said for the permanency of your Colorado Coal Commission as things were at the time when you appointed it, the creation by the State of Colorado of an effective industrial commission, amply equipped by law to deal with all phases of the problem, makes it evidently unnecessary that a presidential commission should remain in being. In closing this report, your commission takes great pleasure in recognizing the cordial welcome to the State which was given to it by the governor of Colorado, Gov. Carlson; and by the State industrial commission, who invited your commission to make its headquarters in their offices during its stay in Colorado. Everything possible was done by the governor, by the industrial commission, and by the State mining inspector to make the visit of your commission to the State

Digitized by Google

of Colorado both profitable and enjoyable, and we take great pleasure in recording our thanks, not only for this official cooperation, but also for the cooperation of the operators and of the United Mine Workers of America of the State of Colorado.

Respectfully,

SETH LOW.
CHAS. W. MILLS.
PATRICK GILDAY.

NEW YORK, *February 23, 1916.*

O

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 862.

HOURS OF LABOR IN CONTINUOUS WORKING PLANTS.

LETTER

FROM

THE SECRETARY OF WAR,

SUBMITTING

A RECOMMENDATION THAT HOUSE BILL NO. 112, TO REGULATE THE HOURS OF LABOR IN CONTINUOUS WORKING PLANTS IN THE UNITED STATES, BE SO AMENDED AS TO EXEMPT THE PANAMA CANAL ZONE.

MARCH 9, 1916.—Referred to the Committee on the District of Columbia, and ordered to be printed.

WAR DEPARTMENT,
Washington, March 4, 1916.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

SIR: Referring to the bill (H. R. 112), "To regulate the hours of labor in continuous working plants of the United States," introduced in the House of Representatives December 6, 1915, by Mr. Buchanan of Illinois, and referred to the Committee on the District of Columbia.

It is believed that this bill, as at present drawn, would apply to the Panama Canal Zone if enacted into law. In commenting on this matter, the acting governor of the Panama Canal, under date of February 21, 1916, states as follows:

> In the opinion of this office, the administration of the Panama Canal should be maintained as an independent governmental unit, as free from a connection with any of the departments in the United States as is possible, because of the conditions extant on the Isthmus, which are, in many respects, drastically different from those obtaining in continental United States. In my judgment, it is essential to the efficient and economical administration of the canal that the integrity of the canal organization be not impaired by introducing elements which, while perhaps applicable to the administration of departmental affairs in the United States, are not adaptable to local conditions on the Canal Zone, and I am of the opinion that all matters relating to the conditions of service under the various departments of the Panama Canal should be regulated by administrative orders of the President.
>
> In the opinion of the special attorney of the Panama Canal, the proposed bill applies to any official of the United States Government or of the District of Columbia, or any supervisory officer, superintendent, manager, or foreman, whose duty it shall be to employ, direct or control, the services of any laborer, mechanic, or other workman,

Digitized by Google

employed in continuous working plants, etc. The bill would therefore be of general application, and, if enacted into a law, this office is of the opinion that the same would be operative in all places subject to the jurisdiction of the United States, and would therefore apply on the Canal Zone. It is my earnest recommendation, therefore, that an amendment be secured, providing in express terms that the same shall be inapplicable to the Canal Zone.

The recommendation of the acting governor that the pending bill be so amended that its provisions will not apply to the Panama Canal is concurred in by me, and I trust that the Congress, in case it takes any action on the bill, will amend it so that the Panama Canal will be exempted from its operation.

Very respectfully,

H. L. SCOTT,
Secretary of War ad interim.

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 866.

TO AMEND THE CURRENCY ACT.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

SUBMITTING

A DRAFT OF PROPOSED LEGISLATION TO PERMIT THE HOLDING OF A LARGER PROPORTION OF GOLD BULLION AND FOREIGN GOLD COIN AS A RESERVE AGAINST GOLD CERTIFICATES THAN AT PRESENT AUTHORIZED UNDER SECTION 6 OF THE CURRENCY ACT OF MARCH 14, 1900, AS AMENDED BY THE ACT OF MARCH 2, 1911.

MARCH 9, 1916.—Referred to the Committee on Ways and Means and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, March 4, 1915.

SIR: I submit herewith for your consideration the draft of a proposed bill, the object of which is to permit the holding of a larger proportion of gold bullion and foreign gold coin as a reserve against gold certificates than is at present authorized under the provisions of section 6 of the currency act of March 14, 1900, as amended by the act of March 2, 1911.

This act permits the issuance of gold certificates against gold bullion and foreign gold coin to the extent of one-third of the total gold certificates outstanding, the other two-thirds being secured by gold coin stored in the vaults of the Treasury Department.

There is at present a total of gold coin so held amounting to approximately $1,000,000,000 and the amount of gold bullion held as a reserve against gold certificates has reached the prescribed one-third owing to the heavy influx of gold since the commencement of hostilities in Europe.

The Treasury is placed in the position of having to coin upwards of $100,000,000 in order to offset the bullion receipts, and the expense of such coinage is deemed totally unnecessary when one considers that the amount of gold coin used as a circulating medium is infinitely small compared to the stock of gold coin stored in our vaults. Again,

Digitized by Google

under the present provisions, it will be necessary to immediately turn into coin all further bullion received, or at least two-thirds of it, to permit the issuance of additional gold certificates with which to pay for the bullion as payment is almost invariably requested in certificates.

The cost of coining $100,000,000 in gold is approximately $125,000, and there is no actual demand for such additional coin for any purpose other than to store it in our vaults to be held as a basis for further issue of gold certificates. It might just as well be stored in the form of fine gold bars, thus eliminating the expense of coining it.

The bill I am submitting to you, if enacted, would permit the increase of our bullion reserve and eliminate the necessity of further coinage of gold to be stored as a reserve against gold certificates until such time as the amount of bullion so held equaled the amount of coin held, thereby effecting a considerable saving.

Another phase which has a direct bearing on this situation is that when gold is wanted for export purposes, the demand is invariably for fine gold bars and the enactment of the proposed bill would permit us to accumulate a good stock of such bars.

Respectfully,

W. G. McAdoo, *Secretary.*

To the Speaker of the House of Representatives.

A BILL To amend section six of the currency act of March fourteenth, nineteen hundred, as amended by the act approved March second, nineteen hundred and eleven.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section six of an act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March fourteenth, nineteen hundred, as amended by the act approved March second, nineteen hundred and eleven, be, and the same is hereby, further amended by striking from the last proviso of said section six the words "one-third" and inserting in lieu thereof the words "one-half," making the last proviso of said section six read as follows:

"*And provided further*, That the Secretary of the Treasury may, in his discretion, receive, with the Treasurer or any assistant treasurer of the United States, deposits of gold bullion bearing the stamp of the coinage mints of the United States, or the assay office in New York, certifying their weight, fineness, and value, in amounts of not less than $1,000 in value, and issue gold certificates therefor of the description herein authorized. But the amount of gold bullion and foreign coin so held shall not at any time exceed one-half of the total amount of gold certificates at such time outstanding. And section fifty-one hundred and ninety-three of the Revised Statutes of the United States is hereby repealed."

O

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 867.

DRY COLORING MATTER FOR BUREAU OF ENGRAVING AND PRINTING.

LETTER

FROM

THE ACTING SECRETARY OF THE TREASURY,

TRANSMITTING

TENTATIVE DRAFT OF A JOINT RESOLUTION AUTHORIZING THE ADMISSION WITHOUT THE PAYMENT OF DUTY OF CERTAIN DRY COLORS FOR INKS TO BE USED BY THE BUREAU OF ENGRAVING AND PRINTING.

MARCH 10, 1916.—Referred to the Committee on Ways and Means and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, March 9, 1916.

SIR: Owing to conditions arising out of the European war, the Bureau of Engraving and Printing, which prepares all Government notes and other securities, national-bank notes and Federal reserve notes, postage and revenue stamps, and currency of the Philippine Government, has found it impossible to purchase colors for inks in sufficient quantities in the United States to carry on its work. It has been compelled for over a year to use cheap and unsatisfactory substitutes for some of the colors, and as time has gone on even these substitutes have become more and more difficult to purchase, and it seems to be only a question of a short time until the supply of them will be exhausted. At present the Bureau of Engraving and Printing has only two weeks' supply of reds and blues which are the most important colors used by it.

Some time ago an order for 145,000 pounds of blues and reds was placed in Germany and through the assistance of the State Department permission was granted for the exportation of these colors. The first of several consignments has just reached this country. Under the tariff act some, if not all, of these colors are dutiable, and it seems to me it is proper at this time and under these conditions for Congress by joint resolution to authorize the importation of all

Digitized by Google

of these colors free. It is impossible to buy these colors here. The prices that are now paid for them in Germany are higher than the prices before the war, plus the duty. The duty will be approximately $12,000, and it will be necessary to go to Congress for a deficiency appropriation if this duty is paid. There can be no question of this importation injuring in any manner any American industry.

I, therefore, have the honor to request that a joint resolution, authorizing the admission, free of duty, of approximately 145,000 pounds of dry colors valued at $40,000 to $50,000 (the exact amount not being determinable at this time owing to the fluctuations of exchange) from Germany for the use of the Bureau of Engraving and Printing, the same having been ordered December 10, 1915, and shipment being made to and in the name of the Secretary of the Treasury, said colors to be exclusively for the use of the Bureau of Engraving and Printing, may be passed by Congress. As part of these colors has already been shipped and some of them are now in this country, I request that immediate action on this resolution may be taken, if possible.

I inclose herewith a suggested form of resolution.

Respectfully,

BYRON R. NEWTON,
Acting Secretary.

Hon. CHAMP CLARK,
Speaker of the House of Representatives.

JOINT RESOLUTION To empower the Treasury Department to import free of duty dry coloring matter for the use of the Bureau of Engraving and Printing.

Whereas owing to the conditions arising out of the European war, the Bureau of Engraving and Printing has found it impossible to purchase colors for inks in the United States in sufficient quantities to carry on its work; and

Whereas on December tenth, nineteen hundred and fifteen, an order for one hundred and forty-five thousand pounds of blue and red dry coloring matter for inks was placed in Germany, to be shipped to the Secretary of the Treasury, part of which has been already shipped and received in this country; and

Whereas these colors are purchased for the exclusive use of the Bureau of Engraving and Printing in the production of such work as it is authorized by law to perform; and

Whereas some , if not all, of these colors are dutiable, the duty on the same approximating $12,000; and

Whereas the prices paid for these colors in Germany are higher than the prices which would be paid for the same or similar colors, prior to the war, in this country; and

Whereas if the duty on these colors is paid out of the appropriation for the Bureau of Engraving and Printing it will be necessary for that bureau to ask for a deficiency appropriation: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the blue and red dry colors for inks ordered by the Treasury Department, to be used by the Bureau of Engraving and Printing, on or about the tenth day of December, nineteen hundred and fifteen, amounting to about one hundred and forty-five thousand pounds, shall be exempt from duty on its importation into the United States.

O

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 885.

CHALLENGED MIXED-BLOOD CASES, WHITE EARTH AGENCY, MINN.

LETTER FROM THE ASSISTANT COMMISSIONER OF INDIAN AFFAIRS TRANSMITTING THE DECISION OF THE FIRST ASSISTANT SECRETARY OF THE INTERIOR IN THE SO-CALLED 86 CHALLENGED MIXED-BLOOD CASES, WHITE EARTH AGENCY, MINN.

MARCH 11, 1916.—Ordered to be printed.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 9, 1916.

MY DEAR MR. STEENERSON: Agreeably to your request of March 4, 1916, there is inclosed a photographic copy of the decision rendered January 29, 1916, by the First Assistant Secretary of the Interior, in the so-called 86 challenged mixed-blood cases, White Earth Agency, Minn.

Very truly, yours,

E. B. MERITT,
Assistant Commissioner.

Hon. HALVOR STEENERSON,
House of Representatives.

DEPARTMENT OF THE INTERIOR,
Washington, January 29, 1916.

D-39125, Charles T. Wright et al., White Earth rolls.

Complaint having been made on the part of certain alleged full-blood Indians of the White Earth Reservation that there were names on the rolls of that band not properly there, notices were sent to 86 persons, thus indicated as being improperly enrolled, under date of November 25, 1911, signed by the Commissioner of Indian Affairs and approved by the First Assistant Secretary of the Interior. These notices recited the allegation that the parties were unlawfully upon the list of Minnesota Chippewa Indians, not being originally members of any Minnesota tribe or band, by birth, and not having become so by proper or legal adoption. The parties addressed were required to show cause why their names should not be stricken from the rolls, their allotment canceled, and the amounts which they had received in the way of annuities and other payments returned to the tribe. Such notices further advised them that they had been suspended from

Digitized by Google

all of such lists and from participating in any payments, annuities, or other benefits.

Answers were made to these notices, in some instances in person, and in others by attorneys, all denying the charge, and some, if not all, denying the jurisdiction in the department to strike from the rolls any name placed thereon by the commission, acting under the act of January 14, 1889 (25 Stat., 642). After these answers came in, a representative of the department was sent to the reservation to make an investigation. He required a formal complaint to be made, over the signature of full-blood members of the tribe. This was subsequently done; such complaint being verified, and containing substantially the charges made in the notice of November 25, 1911, though with considerable elaboration. Copies of the complaint were served upon the 86 persons to whom notices had formerly been sent, who filed answers denying the charges, and again asserting lack of jurisdiction in the Secretary of the Interior. Subsequently, voluminous testimony was taken by the investigator.

It was decided to submit the matter to the Court of Claims and, with the acquiescence of all the parties interested, this was done, by department letter of February 28, 1915, reference being made to section 148 of the judiciary act of March 3, 1911 (36 Stat., 1087, 1137), as affording authority for such action. The court was advised that the record was submitted for "findings as to the matters of fact and your opinion as to matters of law, together with your conclusion thereon, for the use and benefit of this department in the premises." The court held, in substance, that it had no jurisdiction to render advisory opinions in such matters. The request was thereupon amended, and the court rendered final decision under date of December 21, 1914, wherein, after discussing at some length the question of jurisdiction, concluded that it had no jurisdiction of said claim or matter, and returned the record to the department.

Elaborate briefs have been filed before the department, discussing the jurisdiction of the Secretary as well as the merits of the matter. Oral arguments have also been heard. The question of jurisdiction has been presented and insisted upon at various stages of the proceedings, and must be considered and determined before any consideration need be given the merits.

It is not necessary to cite the various treaties and their provisions to which the Chippewa Indians were parties, entered into from 1785 down to 1867. For the present, at least, it will be only necessary to consider the act of January 14, 1889. That act provided, in section 1, for a commission, to be appointed by the President, to negotiate with the different bands or tribes of Chippewa Indians in Minnesota, for the cession and relinquishment, in writing, of their title and interest in and to all the reservations of said Indians in that State, except the White Earth and Red Lake Reservations, and all of these two reservations not required to make and fill allotments provided for by that and other existing acts.

A roll was to be made by said commission, the provisions therefor reading:

And for the purpose of ascertaining whether the proper number of Indians yield and give their assent as aforesaid, and for the purpose of making the allotments and payments hereinafter mentioned, the said commissioners shall, while engaged in securing such cession and relinqushment as aforesaid and before completing the same,

Digitized by Google

make an accurate census of each tribe or band, classifying them into male and female adults, and male and female minors; and the minors into those who are orphans and those who are not orphans, giving the exact number of each class, and making such census in duplicate lists, one of which shall be filed with the Secretary of the Interior and the other with the official head of the band or tribe; and the acceptance and approval of such cession and relinquishment by the President of the United States shall be deemed full and ample proof of the assent of the Indians, and shall operate as a complete extinguishment of the Indian title without any other or further act or ceremony whatsoever for the purposes and upon the terms in this act provided.

Section 3 of said act provided that as soon as the census should be taken and the cession obtained and approved, as specified in section 1, all of said Indians, except those on Red Lake Reservation, should be removed to the White Earth Reservation, and be allotted lands in severalty.

This was to be done under the direction of said commissioners. Section 4 provided for the survey and classification of the lands into pine lands and agricultural lands. It is not necessary now to notice the provisions of the other sections of said act.

The commission provided for was duly appointed and proceeded with the work confided to them. A report of their work is to be found in House Executive Document No. 247, Fifty-first Congress, first session. Agreements were secured from each tribe or band, which were approved by the President March 4, 1890. Census rolls of the several tribes were compiled, upon which appear the names of all the 86 persons then living, and the names of the ancestors of those not then in being. The report of the commission shows also that the Indians had part in the making of the rolls, and were given full opportunity to object to any name thereon.

The work of removing the Indians to White Earth Reservation and of making allotments to them was proceeded with, but not yet completed, when, in the act of June 10, 1896 (29 Stat., 321, 326), it was provided that the duties imposed upon the three commissioners should, from and after that time, be performed by one commissioner, to be designated by the Secretary of the Interior. The act of June 27, 1902 (32 Stat., 400), amended sections 4, 5, and 7 of the act of 1889, but did not change section 1 of the said earlier act, except as provided in section 5 of the act of 1902, which reads:

That the Secretary of the Interior shall proceed as speedily as practicable to complete the allotments to the Indians, which allotments shall be completed before opening the agricultural lands to settlement.

The act of April 28, 1904 (33 Stat., 539), authorized the President to allot to each Chippewa Indian "now legally residing upon the White Earth Reservation," 160 acres of land, with the proviso that where any allotment of less than 160 acres had theretofore been made the allottee should be allowed to take an additional allotment, which, together with the land to be allotted, should not exceed 160 acres.

It is urged in support of the contention that the Secretary has no authority now to disturb the rolls made by said commission, or to eliminate therefrom any name for reasons existing at the time of such enrollment, because the making of said roll was confided to that commission as a special tribunal. It is urged, on the other hand, that the Secretary has jurisdiction, because of his general authority over Indian matters.

Digitized by Google

Section 441 of the Revised Statutes confides to the Secretary of the Interior the supervision of public business relating to various subjects, among which are "The Indians" and "The public lands, including mines." Section 463 provides that the Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, "have the management of all Indian affairs and of all matters arising out of the Indian relations." The Secretary has jurisdiction over such matters in all cases where no other provision is made. The power of Congress to confide such supervision to other tribunals can not be questioned.

In reference to duties connected with the control and disposition of public lands, the Supreme Court laid down the rule in Catholic Bishop of Nesqually *v.* Gibbon (158 U. S., 155–167), in the following words:

> It may be laid down as a general rule that in the absence of more specific provision to the contrary in respect to any particular grant of public land its administration falls wholly and absolutely within the jurisdiction of the Commissioner of the General Land Office, under the supervision of the Secretary of the Interior. It is not necessary that with each grant there shall go a direction that its administration shall be under the authority of the land department. It falls there unless there is express direction to the contrary.

The same words might well be used to define the authority of the Secretary of the Interior in respect to Indian matters. This is so well settled that it seems hardly necessary to cite authority in support of the proposition. It may be noted, however, that the subject was involved in West *v.* Hitchcock (205 U. S., 80). That case involved a question of membership in the Wichita and affiliated bands of Indians, in connection with making allotments, under the act of Congress approved March 2, 1895 (28 Stat., 876, 895–897), which act did not contain any specific direction as to the making of such rolls. The claimant there asserted membership by virtue of adoption. The court said:

> The right is conferred upon members of the bands, but the ascertainment of membership is left wholly at large. No criteria of adoption are stated. The Secretary must have authority to decide on membership in a denial case, and if he has it in any case he has it in all.

After referring to sections 441 and 463 of the Revised Statutes, the court said:

> The power of Congress is not doubted. The Indians have been treated as wards of the Nation. Some such supervision was necessary, and has been exercised. In the absence of special provisions, naturally, it would be exercised by the Indian Department.

All declarations that the Secretary of the Interior has authority are coupled with the saving clause that there be no special provision conferring jurisdiction upon some other tribunal.

The contention that the Secretary has now jurisdiction to eliminate names from the list made by the commissioners appointed under the act of 1889 must be upon the assumption that their appointment did not constitute them a special tribunal for making such rolls. It is significant in this connection that the rolls were to be made, not only to determine whether the necessary two-thirds of the Indians had given assent to the agreement, but also "for the purpose of making the allotments and estimates hereinafter mentioned." It would be difficult to find language more appropriate to specifically confer jurisdiction.

Digitized by Google

It is contended, however, that the approval given by the President in 1890 was confined to the written agreements secured by the commission from the Indians. That is true as to form. In fact, however, the census made and transmitted to the Interior Department by the commission, with its report, was accepted as correct by the President, to the extent that he determined thereby that two-thirds of the male adults of all the Chippewa Indians in Minnesota had signed the agreement for the cession of the Bad Lake Reservation, and as to such other of the several reservations two-thirds of the male adults residing and belonging thereon had agreed to the cession.

It has been laid down as a universal principle that the acts of a tribunal given power or jurisdiction over a subject matter are binding and valid as to that matter, and that the decision made, or act done, is final, unless an appeal is provided for or other revision is prescribed by law. This is stated in United States *v.* Arredondo (6 Pet., 691, 728–729):

> It is a universal principle that, where power or jurisdiction is delegated to any public officer or tribunal over a subject-matter, and its exercise is confided to his or their discretion, the acts so done are binding and valid as to the subject-matter; and individual rights will not be disturbed collaterally, for anything done in the exercise of that discretion, within the authority and power conferred. The only questions which can arise between an individual claiming a right under the acts done, and the public, or any person denying its validity, are power in the officer, and fraud in the party. All other questions are settled by the decision made or the act done by the tribunal or officer; whether executive (1 Cranch, 170–1), legislative (4 Wheat., 423; 2 Pet., 412; 4 Ibid., 563), judicial (11 Mass., 227; 11 S. & R., 429, adopted in 2 Pet., 167–8), or special (20 Johns., 739–40; 2 Dow, P. C., 521, etc.), unless an appeal is provided for, or other revision, by some appellate or supervisory tribunal, is prescribed by law.

There is nothing in the act of 1889, nor in any other act of Congress, providing for approval or supervision by the President or other officer or tribunal, or for appeal from the action, the commissioner acting as a special tribunal under section 1 of the said act of 1889.

It is true, as stated in support of the jurisdiction of the Secretary of the Interior, that the work of the commission was not completed at the date Congress enacted the law of June 10, 1896 (29 Stat., 325), but that fact is not of significance, because that did not attempt to confer jurisdiction or authority upon the Secretary of the Interior. There were portions of the work yet to be completed, such as the allotment of lands and removal of Indians from other reservations to White Earth. Neither had the work been completed at the date of the act of June 27, 1902, which directed the Secretary to complete the allotments to the Indians. This act amended several sections of the act of 1899, in respect of making allotments, etc., but did not make any change in section 1; nor confer upon the Secretary of the Interior any authority in respect of the matters provided for in that section, among which was the making of the census. Nor did the act of April 28, 1904 (33 Stat., 539), purport to make any additional provision respecting the census. Neither the fact of the passage of these laws, nor any provision contained in any one of them, supports the contention of the protestants here. That it was not intended by these laws to affect in any manner the census which had been taken by the commission is further indicated by the provision in respect of this census that it should be made by the commissioners "while engaged in securing such cession and relinquishment as aforesaid before completing the same." In other words, the census was to be

Digitized by Google

made before the commission should report the result of its work to the President.

The various decisions cited in support of the protest have been examined, but it is not necessary to comment upon them extensively. Considerable stress is laid upon the decision of the Circuit Court of Appeals in Woodbury *v.* The United States (170 Fed. 302), and in Oakes *v.* The United States (172 Fed. 305). These cases involved the right of individuals claiming allotments on the White Earth Reservation, but were brought under the act of February 6, 1901 (31 Stat., 760), specifically conferring jurisdiction upon the circuit courts of the United States, over suits involving the right of any person of Indian blood claiming to be entitled to an allotment of land under any law of Congress. These decisions are, therefore, not important in arriving at a conclusion as to the jurisdiction of the Secretary of the Interior in the matter now here. The decision by the department in the case of Minnie H. Sparks (36 L. D., 234), is also referred to. In that case, the name of Minnie H. Sparks was placed upon the rolls by the Chippewa Commission, and she received annuities from the date of enrollment, for a period of ten years, when her name was dropped. By the decision referred to it was held that the dropping of her name because of nonresidence was unauthorized. This case, and the other referred to therein and quoted from (Sloan family), held that residence was a requisite to sustain the right to an allotment on the White Earth Reservation, but not to sustain a right to annuities.

In the case of Nellie Lydick (29 L. D., 408), it was held that the Secretary of the Interior had authority to add to these rolls, made under the act of 1889, any name which should be there. This was asserted without discussion of the question, and I am not inclined to accept this decision as controlling the matter under consideration.

The law in question was under consideration in Fairbanks *v.* United States (223 U. S., 215). It was there held that children born after 1889 to parents whose names were on the roll prepared by the commission were entitled to allotments of land on the White Earth Reservation. A fuller discussion of the matter, however, is found in the case of Laroque *v.* United States, decided November 8, 1915. The question there involved was as to the right to have an allotment made in the name of an Indian who was enrolled in 1889 and who died before making application for allotment. It was contended that the census was to be accepted as finally determining who were to receive allotments. In the course of the discussion the court said:

> While the act directed that a census be made "for the purpose," among others "of making the allotments" contemplated, we think this means nothing more than that the census should serve as a preliminary guide in ascertaining to whom allotments should be made. There was no direction that it be treated as controlling, or that allotments be made to all whose names appear therein or only to them. The work of allotment could not be undertaken at once. The cession was not to be effective until approved by the President. Many of the Indians were to be removed from the ceded reservations to the White Earth Reservation, and much other work was required to prepare the way. So it must have been contemplated that many changes would occur in the membership of the several bands through deaths and births before the allotments could be made. In Fairbanks *v.* United States (223 U. S., 215), we held that children born into the bands after the census were entitled to allotments, although not listed in it, and we perceive no reason for giving the census any greater effect in this case than was given to it in that. No doubt it is to be accepted as an authorized listing of the members of the several bands who were living when it was made, but it has no bearing in cases like the present.

Digitized by Google

It is significant that the court noted the fact that the cessions were to be approved by the President, but did not intimate that anything in the act provided for approval of the census to make it authoritative. This decision is authority for the conclusion that the census made by that commission is to be accepted as affording an authoritative list of the names to be considered as members of the several tribes at the time it was made, and entitled to the benefits provided by said act of 1889. The jurisdiction which the Secretary has in the premises is to determine the persons named in said census who have since died or otherwise since forfeited their rights, and also the names of those who have since been born.

I am of the opinion that the Secretary of the Interior has no authority to eliminate from the rolls any name placed thereon by the commission, for any cause arising before such enrollment, and that the order of November 25, 1911, approved November 27, suspending from participation in any payments, annuities, or other benefits, the parties complained of was beyond the authority of the Commissioner of Indian Affairs and the Secretary of the Interior.

The rules to show cause are hereby discharged, the orders of suspension are hereby rescinded, and the proceedings against the parties named are hereby dismissed. The Commissioner of Indian Affairs will take such steps as may be proper and appropriate, treating said order and rule to show cause as if never issued.

ANDRIEUS A. JONES,
First Assistant Secretary

H D—64-1—vol 145——3

Digitized by Google

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 886.

BURNETT IMMIGRATION BILL.

LETTER

FROM

THE SECRETARY OF LABOR,

SUGGESTING

MODIFICATION OF CERTAIN PROVISIONS OF THE BILL (H. R. 558) TO REGULATE THE IMMIGRATION OF ALIENS TO AND THE RESIDENCE OF ALIENS IN THE UNITED STATES.

MARCH 11, 1916.—Ordered to be printed.

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, January 28, 1916.

Hon. JOHN L. BURNETT, M. C.,
Chairman Committee on Immigration and Naturalization,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I have the honor to refer again to your letter of the 22d instant, the receipt of which was acknowledged by me on January 24, and to offer the following suggestion regarding the Burnett immigration bill in addition to those submitted in my said letter:

Page 33, lines 21 and 22: After the word "inquiry" in line 21 insert the words "shall be," and after the word "officer" in line 22 insert "and, except as provided in section twenty-one hereof," so that the opening portion of the affected proviso will read:

Provided, That the decision of a board of special inquiry shall be based upon the certificate of the examining medical officer and, except as provided in section twenty-one hereof, shall be final as to the rejection of aliens affected with tuberculosis, etc.

These slight modifications would merely make the law state clearly what this department has always understood to be the intent of Congress with regard to the proposition covered by the affected proviso, which understanding usually has been affirmed when questions arising under the clause have been taken into the courts. Recently, however, the Federal court at Boston has held that the language in question does not mean that the certificate rendered by the examining

Digitized by Google

Public Health surgeon (or that rendered by a board of surgeons on appeal from the diagnosis of the examining surgeon) is conclusive with respect to the existence of the disease or defect certified, but merely that the decision of the board of special inquiry is final if based upon such a certificate or upon any evidence covering the medical question involved. This leads to confusion in the enforcement of the law, for obviously practically similar methods of procedure must be followed at all of the principal ports if the law is to be successfully administered; and it is believed that the modification suggested will meet the situation. Of course it is hardly necessary to state to the committee that any departure from the established methods of examination and certification of aliens for mental and physical defects would lead to delay and other embarrassments and might seriously impair the effectiveness of the system. The rights of the alien in the premises are fully conserved by the fact that the Public Health regulations permit any alien or any person interested in him to appeal to a board constituted of three surgeons other than the one making the initial examination, if dissatisfied with the diagnostic certification of the latter; and certified cases in which the medical element is not necessarily controlling—to wit, cases of physical defect—are cared for by the reference in the suggested amendment to the provisions of section 21 which permit such cases to be brought before the Secretary of Labor for decision.

Respectfully, yours,

W. B. WILSON, *Secretary.*

DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, January 24, 1916.

Hon. JOHN L. BURNETT, M. C.,
Chairman Committee on Immigration and Naturalization,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: I have the honor to acknowledge the receipt of your letter of the 22d instant with which you refer to me H. R. 558 (the Burnett immigration bill) for such comments and report to your committee as I deem appropriate.

This department is glad of an opportunity to offer to the committee a few suggestions with regard to the bill. Since it commented so fully upon the administrative features of the similar measure, H. R. 6060, Sixty-third Congress, third session (see S. Doc. No. 451, 63d Cong., 2d sess., and S. Rept. No. 355, same session), several matters have arisen to which the department believes the committee's attention should be specifically called, and it seems desirable also to renew several of the recommendations made to the last Congress in connection with H. R. 6060, which for one reason or another failed of adoption. As the most convenient method of presenting these propositions they are drawn in the form of suggested amendments to the bill now pending before your committee, in the order of the sections in which they would have to be incorporated:

Page 4, lines 14 and 15: The excluded class, "persons likely to become a public charge," appeared at this same point in the immigration law for many years, no change in its location having been made

Digitized by Google

on any of the several occasions when the law has been reenacted with amendments. The Bureau of Immigration had always supposed that under this clause persons likely for any reason to become a public charge were intended to be excluded. Said bureau had understood this provision of the law in the same way that it was understood by the Federal courts, particularly by the District Court for the Southern District of New York and the Circuit Court of Appeals for the Second Circuit, the view of such courts being based upon their conception of the scope of the decision of the Supreme Court of the United States in Nishimura Ekiu *v.* United States (142 U. S., 651). This conception of the law was followed in practice in enforcing the immigration act of 1903, was being observed in practice when the act of 1907 was passed, and continued to be observed in enforcing the last-mentioned act, the present law. In March, 1914, there arrived at the port of New York a party of Russian Osetins whose destination was a locality in the far West and who insisted that, if landed, it was their intention to proceed to such destination. These aliens were excluded for the reason, among several others, that the board of special inquiry had received information to the effect that economic conditions were such at their intended destination that it would be impracticable for them to obtain work of the only kind they were qualified to perform—ordinary manual labor. Upon appeal the Secretary of Labor affirmed the decision of the board. Thereupon a writ of habeas corpus was sued out and the case was taken before the district court at New York, and later, by appeal, before the Circuit Court of Appeals for the Second Circuit, both of these tribunals sustaining the department's action in refusing to allow the aliens to land. The case was then taken before the Supreme Court on writ of certiorari, with the result that, on October 25 last (239 U. S., 3), that court held that aliens described in the excluded class, "persons likely to become a public charge," may be excluded only "on the ground of permanent personal objections accompanying them irrespective of local conditions"; pointed out that the description of the class is located in the act "between paupers and professional beggars and, along with idiots, persons dangerously diseased, persons certified by the examining surgeons to have a mental or physical defect of a nature to affect their ability to earn a living, convicted felons, prostitutes, and so forth"; and held, therefore, that "presumably it (the clause) is to be read as generically similar to the others mentioned before and after."

Thus the Supreme Court points out a defect in the wording, or rather the arrangement of the wording, of the immigration act to which attention has never heretofore been directed. The discovery of this defect materially reduces the effect of the clause, which for so many years has been the chief measure of protection in the law, and which has always been understood to be a provision intended to reach economic rather than sanitary objections to the admission of certain classes of aliens. Practically all aliens who have "permanent personal objections accompanying them" are excluded by the other provisions of the statute enumerated along with "persons likely to become a public charge"; and the direct and principal objection to the admission of this latter class consists, not in the diseased or disabled condition of an applicant for admission (which, being otherwise provided for, is only an indirect and incidental consideration in this connection), but in the fact that such applicant

Digitized by Google

may be a charge (an economic burden) upon the community to which he is going. It must be conceded, of course, that what is understood to have been the intention of Congress was not happily expressed by placing this clause, the real reason for the existence of which is economic, among other clauses the direct purpose of which is to guard against the introduction of disease and mental, moral, and physical defects—an incidentally economic but directly sanitary object.

It occurs to the department that this defect in the law could readily be cured in either one of at least two ways now suggested, the department being inclined to the belief that its first suggestion is the better.

(*a*) Transfer the description of the excluded class composed of the words "persons likely to become a public charge" from lines 14 and 15 of page 4 to line 4, page 6, inserting them after the word "country" in said line.

(*b*) Insert after the word "likely" in line 15, page 4, the words "for any reason," so that the description of the class will read "persons likely for any reason to become a public charge."

The adoption of the first suggestion would result in incorporating the described excluded class immediately following the description of the "contract laborer" class—would associate it in the law with a provision the economic object of which is unmistakable, and disassociate it from the provisions the immediate objects of which are of a sanitary nature. The adoption of the second suggestion would merely incorporate in the law words descriptive of the long-continued practice in applying the existing law and previous laws upon the subject.

Page 10, line 15: After the word "citizens" insert "and aliens returning after temporary absence to an unrelinquished United States domicile," so that the affected proviso to section 3 of the bill will read as follows:

Provided further, That aliens who have declared their intention to become citizens and aliens returning after temporary absence to an unrelinquished United States domicile may be admitted in the discretion of the Secretary of Labor, and under such conditions as he may prescribe.

A similar amendment was adopted by the Senate committee when H. R. 6060 was under consideration, but failed of adoption in the committee of conference of the two Houses, it is thought largely because its purpose was not clearly understood. The word "alien" as used in the immigration law has not been confined in its meaning to immigrants since the passage of the act of 1903. That same meaning is continued, it is thought properly, in the pending measure. In the administration of the law, however, the department is frequently confronted with cases of extreme hardship for which the suggested amendment is intended as a provision of relief. For instance, there was recently pending before the department the case of a woman, born abroad and never naturalized in the United States, who had lived here, working as a domestic servant for about 30 years. After this long-continued residence she visited her native land for a few months and, on returning, was found to be afflicted with a mild type of insanity. Her friends, her relatives, her savings, and, of course, her home, were in this country, and she had departed with no intention of relinquishing any of them. As the law now stands, the department

Digitized by Google

has no actual authority for disposing of these cases in any equitable manner that would relieve them of the hardship involved.

Page 12, lines 18–22: Strike out the word "provisions," in line 20, and insert in lieu thereof the words "fourth proviso," and insert after the word "with," in line 22, the words "the third proviso of," so that the affected clause in modification of section 5 will read:

unless such contract laborer or contract laborers are exempted under the fourth proviso of section three of this act, or have been imported with the permission of the Secretary of Labor in accordance with the third proviso of said section.

The purpose of this suggestion, clarification of the section, as well as the necessity for it are so obvious as to require no further comment.

Page 15, line 18: Change the period to a colon and add the following:

Provided further, That under sections five, six, and seven hereof it shall be presumed, from the fact that any person, company, partnership, corporation, association, or society induces, assists, encourages, solicits, or invites, or attempts to induce, assist, encourage, solicit, or invite, the importation, migration, or coming of an alien from a country foreign to the United States, that the offender had knowledge of such person's alienage.

If successful enforcement of the provisions of law (proposed to be reenacted in the pending measure with some modifications of importance) is to be continued it is very important that this suggested amendment should be adopted. It is feared that unless this or some similar provision is placed in the law it would be deemed by courts in which suits or prosecutions under sections 5, 6, and 7 thereof might be brought that the omission of such a provision indicated acquiescence by Congress in a recent opinion of the Circuit Court of Appeals for the Eighth Circuit. (United States *v.* Great Northern Railway Co., 214 Fed., 46.) In that decision the majority of the court held it could not be presumed that the corporation importing a foreign laborer into the United States from Canada knew that the person residing in Canada and communicated with by such corporation was an alien, but that it is incumbent upon the Government in such a case to prove affirmatively that the corporation knew that essential fact. While the minority of the court dissented quite emphatically from the decision of the majority, that fact does not of course help the situation. In recent months the Bureau of Immigration has discovered many violations of the contract-labor law similar to that instanced by the Great Northern Railway Co. case, but it has frequently proven impossible to execute the law because the burden placed upon the Government by the decision cited is one which can only rarely be successfully borne. And it is deemed only proper that the law should put all interested persons clearly upon notice that when they are offering employment to persons residing in foreign countries it is incumbent upon them to ascertain whether such persons are aliens or citizens of the United States and not to import them if they are aliens.

Page 21, line 7: After the word "arrival" insert the word "typewritten." The lists or manifests required by this section to be furnished by the transportation companies, giving the names and other important items of information with respect to arriving aliens, are among the most important documents obtained and used in connection with the immigration and naturalization laws. The fact that these lists are often prepared in a handwriting that is almost

Digitized by Google

illegible materially reduces the value of the manifest and often leads to embarrassing results when efforts are later made to verify the arrival of an alien for naturalization or other purposes. The lists can readily be typewritten, but their preparation in that form can not be universally enforced unless a change of the kind suggested is made in the law. The department suggested this change when H. R. 6060 was under consideration in the Senate, but its suggestion unfortunately was received too late to be incorporated.

Page 34, line 5: After the words "if practicable" insert the words "and proper in the opinion of the Secretary of Labor."

During the continuance of the war in Europe it has frequently been impracticable from the department's point of view immediately to deport aliens found on arrival to be inadmissible. In numbers of these cases, however, the steamship lines concerned have insisted that deportation was practicable and, upon the department's disagreeing with them, have served notice on the department that, holding that deportation is practicable, they will not assume the responsibility or expense of deporting the alien at a later date or the expense of maintaining the alien until such time as the department might deem that his deportation was practicable in the sense that it was not only feasible but reasonably safe and not inhumane. In many such cases the department has been obliged to hold the aliens involved at its own expense and to ask that suit be instituted against the company in the hope that such expenses might be recovered. It seems only fair, humane, and appropriate that the department charged with the responsibility of enforcing the immigration law, and with the always disagreeable, and in such times as the present especially disagreeable, task of ordering returned to the countries whence they came aliens who although inadmissible have been brought to ports of this country by the steamship lines, should have the privilege of determining whether immediate deportation is proper in any given case.

Page 37, lines 19 to 21, and page 40, line 7: In lines 19 to 21, page 37, strike out the clause "the methods and measure of proof and the destination of deportation to be those specified in the law violated," and in line 7, page 40, change the period to a colon and insert:

Provided further, That any person who shall be arrested under the provisions of this section, on the ground that he has entered or been found in the United States in violation of any other law thereof which imposes on such person the burden of proving his right to enter or remain, and who shall fail to establish the existence of the right claimed, shall be deported to the place specified in such other law.

The insertion of this proviso to take the place of the clause stricken out is suggested in interest of clearness of expression. It will be recalled that the clause in question was inserted in H. R. 6060 by the committee of conference, at the suggestion of this department, to meet a situation presently described. Under the rules of Congress the legislative situation of the bill was then such that the clause could be inserted only as an amendment to an amendment. The situation of the bill now is such that this awkward method of expression can be avoided and a clause meaning the same thing be inserted in the more proper form of a proviso.

It will be remembered that when the immigration act of 1903 was passed section 21 thereof (corresponding to section 21 of the existing law and to section 19 of the pending measure) was so drawn as to

Digitized by Google

authorize the department to remove from the country aliens of the Chinese race who had entered surreptitiously or otherwise in violation of law, instead of adopting for their removal in every instance the more cumbersome judicial procedure prescribed by the Chinese-exclusion laws. The department's right in this regard was vigorously contested in the courts, but was finally upheld by a number of the courts, including the Supreme Court of the United States. (United States *v.* Wong You, 223 U. S., 67.) For a number of years surreptitiously entered Chinese have been deported expeditiously, effectively, and economically in pursuance of this statutorily conferred authority. Recently, however, serious questions have been raised in several of the courts with respect to whether the burden of proof placed by the exclusion laws upon aliens of the Chinese race still rests upon such aliens when they are handled under the procedure of the immigration act, and also whether, where the Chinese have entered from some other country than China, after living in such other country for a long enough time to establish a domicile, they can be deported under the immigration act to the land of their origin, if the law of the country of their domicile demands the payment of a head tax as a condition precedent to their return thereto. While the department has always held that the mere adoption of a different method of deporting does not interfere with either the burden of proof or the place to which deportation should occur, its views in this regard have been sustained by some of the courts and reversed or partially reversed by others. It is believed that the suggested proviso makes the proposition so clear as to be open to only one construction—the one which is necessary if Chinese who are smuggled into the United States are to be successfully dealt with.

Page 38, line 2: Strike out the words "existing prior to the" and insert in lieu thereof the words "not affirmatively shown to have arisen subsequent to," so that the affected clause, descriptive of one of the classes of aliens subject to deportation under section 19, shall read as follows:

> any alien who within five years after entry becomes a public charge from causes not affirmatively shown to have arisen subsequent to landing.

This amendment was incorporated in H. R. 6060 by the Senate Committee on Immigration at the suggestion of the Department of Labor. The reasons for the suggestion were clearly shown in the report of the Senate committee (S. Rep. 355) and in this department's letter to the committee (S. Doc. 451). In the letter it was stated, among other things, that—

> A change to this effect is greatly needed. The insane asylums, hospitals, and other like institutions of some of our States are now crowded with aliens who have become public charges, but with respect to whom it is practically impossible for the Government to show that the causes of their being such existed prior to entry; yet they are persons who, by every dictate of justice and fairness, should be maintained in the public institutions of their native countries and not at the expense of the taxpayers of our communities.

Page 54, line 9. After the word "master" insert the words "or the seaman himself."

As H. R. 6060 was reported to the Senate by its committee the words suggested for incorporation appeared in the connection shown. They were removed from the measure in the conference committee, it is believed, because probably through lack of time, there was a

Digitized by Google

failure to understand their full significance. The seamen's bill, as was anticipated at the time H. R. 6060 was reported to the Senate, has become law. One of the fundamentals of that measure is the noninterference with the desertion of seamen in United States ports. Sections 31 to 36 of H. R. 6060 and of the pending measure are intended to provide means for protecting the United States against the entry of inadmissible aliens in the guise of seamen. At the request of the Senate committee this department undertook to slightly modify the language of these sections in such a way as to leave to them the fullest possible effect and at the same time provide against their interfering with the operation of the seamen's act. Unless the words "and the seaman himself" are reinserted as now suggested, seamen coming into United States ports will be prevented from leaving their vessel and reshipping at the rate of wages here prevailing, unless in doing so they violate the immigration law; for if a seaman who makes up his mind to leave his ship and secure employment upon another, but who is unable to obtain a formal discharge from the master of the vessel, can not himself report to the immigration officers for examination, the master will still have a hold upon him which might be used to his disadvantage, preventing his leaving the ship when it is in a safe port, thus obstructing the operation of the seamen's bill.

Respectfully, yours,

W. B. WILSON, *Secretary*.

Q

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 945.

RELEASE OF CERTAIN LAND TO ST. AUGUSTINE, FLA.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

RECOMMENDATION FOR THE REPEAL OF CERTAIN PROVISIONS IN THE ARMY APPROPRIATION ACT APPROVED MARCH 3, 1911, TO RELEASE TO THE CITY OF ST. AUGUSTINE, FLA., A STRIP OF LAND ON THE NORTH LINE OF FORT MARION RESERVATION.

MARCH 27, 1916.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington, March 25, 1916.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to renew the recommendation of the Secretary of War contained in letter of February 27, 1914 (H. Doc. 809, 63d Cong., 2d sess.), for the repeal of the following provision contained in the Army appropriation act approved March 3, 1911:

> The Secretary of War is hereby authorized and directed to release to the city of Saint Augustine, Florida, a strip of land not exceeding twenty-three feet in width, on the north line of Fort Marion Reservation, for the purpose of restoring the street formerly known as Clinch Street, extending from San Marco Avenue on the western boundary of said reservation eastward to the Matanzas River.

2. Owners of private property affected by the proposed establishment of a street along the northerly boundary of the Fort Marion Reservation are three in number, holding approximately equal frontages each property has existing streets on two of its four sides.

3. Two of the three owners opposed the action contemplated in the act of Congress quoted in first paragraph above, which is also opposed by the city of St. Augustine.

4. In 1807, the Spanish governor laid out a road (the present San Marco Avenue) northerly from the "land gate of the city," to a distance of 1,500 yards (English measure), and made a provisional distribution of lands bordering this road, reserving from the distri-

Digitized by Google

bution the first 200 yards "going out from the land gate," all parcels being measured in "yards of front on the side of the road." The 200-yard reservation of the Spanish régime gave rise to the United States reservation of Fort Marion. But in 1834–35, United States Deputy Surveyors Benjamin and J. B. Clement, plotted a map upon which this frontage of Government property is reduced to 518 feet (instead of 600 feet). No explanation for this discrepancy can now be discovered. The sufficient authority for accepting the reduced frontage is contained in a patent dated August 10, 1887, in which the President of the United States confirmed to Jose Noda the title to land bordering the United States lot on the north.

5. The argument of the last preceding paragraph makes it obvious that earlier owners of the property adjacent to the Fort Marion Reservation, now held in three parcels as described in paragraph 2 above, acquired possession of the strip 82 feet wide (measured "on the side of the road") by way of encroachment upon Government property. A further relinquishment of United States land for street purposes appears therefore to be without justification.

6. It does not seem possible to determine beyond question whether Clinch Street was projected in a location lying partly upon United States property as now determined. In any event, the facts above recited are believed to be a sufficient basis for the action of repeal hereby requested.

7. The attitude of abutting owners and of the city of St. Augustine is set forth at length in papers of which official copies are herewith.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

PHILADELPHIA, *July 29, 1915.*

Lieut. Col. E. EVELETH WINSLOW
(Care of Chief of Engineers, United States Army),
Corps of Engineers Washington, D. C.

DEAR SIR: I beg to acknowledge with thanks your favor of July 26 (file No. 38116–244), addressed to our secretary, Miss Godfrey. You state:

> Legislation to repeal the act was recommended by the War Department some time ago, but certain questions have been raised with regard to the matter which are still under advisement.

Representing large interests in St. Augustine, as well as being interested in the welfare of the city, I am strongly against the Government giving up any of the fort reservation, and I feel sure that other citizens feel the same as I do in this matter.

There are many reasons why I feel sure that the Government would be making a serious mistake in granting or giving up any portion of the reservation to the city. In the first place, Fort Marion and the reservation are one of the greatest assets that St. Augustine has, and the giving up of any portion of this would only be the commencement, I am afraid, and more demands would come later on. The street is absolutely not needed, for the reason that only 200 feet away Shenandoah runs parallel with the proposed street and takes care of all the traffic.

Digitized by Google

I also feel sure that most of the leading citizens of St. Augustine feel the same as I do, and the people representing the Flagler interests are absolutely opposed to any encroachment on the reservation.

If the War Department is seriously considering recommending to Congress that the Government dedicate 23 feet for the bed of Clinch Street, I would greatly appreciate it if you would give me an opportunity to come to see you personally before this recommendation is passed on. I would be glad to call upon you any time that would be convenient for you.

Sincerely, yours,

W. G. WARDEN,
Managing Trustee Estate of Wm. G. Warden, deceased.

[First indorsement.]

SEPTEMBER 3, 1915.

From; Office Chief of Engineers.

To: The District Engineer Officer, Jacksonville, Fla.

For consideration in connection with the report now being prepared by him and for return with such report.

[Second indorsement.]

UNITED STATES ENGINEER OFFICE,
Jacksonville, Fla., November 6, 1915.

The CHIEF OF ENGINEERS UNITED STATES ARMY,
Washington, D. C.:

1. Returned, inviting attention to report of this date on E. D. 38116–213.

W. B. LADUE,
Major, Corps of Engineers.

ST. AUGUSTINE, FLA., *November 16, 1915.*

Maj. LADUE:

DEAR SIR: I have a letter from Mr. Oldfather, city clerk, in answer to one I wrote the new mayor, with the information purporting as coming from Mr. Darrow, through his lawyer, and a letter to the commission form of government, from Mr. W. G. Warden, jr., who represents the Warden estate, that they are both opposed to the gift from the Government of 16 feet at one point and 23 feet at the other to widen Clinch Street. This was a surprise to me, as Mr. Darrow told me I ought to have the street, but thought all streets leading to the water should be closed, as only fishermen used them, as he petitioned the city council a few years ago to let him build a wall at the end of Shenandoah Street, the street Mr. J. T. Dismukes thinks is ample for me, in his petition to the "commission form of government" to rescind the gift from the Government. I send a deed to Mr. W. G. Warden, sr. (deceased), from the heirs of Peter Sken Smith for 155 feet of the fort reservation, bounded on the north by Noda grant (part of which grant his widow now occupies), but 15 feet of the Noda grant at San Marco Avenue was given in a survey by Peter Sken Smith to Clinch Street; not finding it wide enough, he took the balance

Digitized by Google

from the Andreu grant, purchased from Mr. Vanancio Sanchez, which is of record in the clerk's office, St. Augustine. In the days of 1838, when Peter Sken Smith laid out the Noda grant into lots and left the 15 feet and purchased half the Noda grant, they evidently did not inform themselves about what belonged to the Government or private individuals, as the Andreu grant was never confirmed and of course reverted to the Government. I suppose when the golf club returns the fort reservation back to the War Department, as I understand this is their last winter (which will be much to my comfort and the general public), the Wardens will make application for what their deeds call for, 155 feet, along San Marco Avenue to the channel of the river. I was told they claimed land south of the Noda grant, but I could not find out where it was until I saw the deed I send you, made in January, 1888, and recorded in St. Augustine February, 1888.

Mr. Darrow has under a heavy concrete fence (which he constructed in 1911, after Capt. Spalding put the two stones down in 1910), taking in the number of feet left by Peter Sken Smith of the Noda grant for Clinch Street, in all 13 feet beyond my fence. We removed the picket fence I had put on the north line of Clinch Street, as the property at one time was mine, until 1903 I sold to Mr. Deering, who in turn sold to a Chicago real-estate agent; because Mr. J. T. Dismukes interfered through the city council in regard to a street matter, he then left for Cocoanut Grove, where his wife or he is putting up a million-dollar residence.

Mr. Darrow's entrance is on Water Street, but when an auto is too large to back out or turn on Water Street they make the turn on the fort reservation, a privilege he wishes to deprive me of, by getting the commission form of government with a city manager from Dayton, Ohio, to rescind the gift from the Government. Mr. Darrow, Mr. J. T. Dismukes, and one other are those opposing; wish to get possession of my home (through purchase); hence their opposition to a gift from the Government of a few feet of land.

On Friday, November 12, the stakes put down by the United States engineers were taken up by the man who has charge of the golf links, except two or three, near San Marco Avenue; that he was told by the engineer to take up all that were in his way; so the golf club has taken possession of the street surveyed. The Wardens stay a few months; their residence is closed the rest of the year—a gloomy place, with barred windows on the first floor; Mr. Darrow about five months, then closed, so it is a pretty gloomy corner to be closed up my entire front of nearly 300 feet, an egress to either Water Street or San Marco Avenue, except by foot, and bombarded for years during five months in the winter with "golf balls," that one is afraid to use their private grounds with safety. Excuse this digression, but I felt in justice to myself I should make a full and true statement.

Most respectfully,

MISS LUCY B. ABBOTT.

Digitized by Google

COPY OF DEED FROM THE HEIRS OF PETER SKEN SMITH TO MR. W. G. WARDEN IN 1888, FILED IN ST. AUGUSTINE, FLA., FEBRUARY, 1888.

If Mr. Warden, heir of Mr. W. G. Warden (deceased), objects to the gift of 16 feet at one point and 23 feet at the other, is because of the inclosed deed, as it takes from the fort reservation 155 feet in depths south of the Noda grant, which would reach halfway to the foot of the hills.

Miss LUCY B. ABBOTT.

GERRIT H. SMITH ET UX. ET AL. TO WILLIAM G. WARDEN.

This indenture, made the sixth day of January, in the year of our Lord one thousand eight hundred and eighty-eight (1888), between Gerrit H. Smith, of the county of Washington and State of Maryland, and Maria A. F. Smith, his wife, the said Maria A. F. Smith having been joined for the purpose of releasing and relinquishing all her right of dower in the hereafter-described premises, William Baird, of the United States Army, in his own right, and William Baird and Mirvin, his wife, and Absolom Baird, as trustees under the last will and testament of Cornelia W. Smith Baird, late of the city of Washington, in the District of Columbia, deceased, parties of the first part, and William G. Warden, of the city of Philadelphia and State of Pennsylvania, gentleman, party of the second part, witnesseth: That that the said parties of the first part for and in consideration of the sum of four hundred dollars, lawful money of the United States of America, unto them in hand paid by the said party of the second part at and before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, remises, released, conveyed, and transferred, and by these presents do give, grant, bargain, sell, alien, remise, release, convey, and transfer unto the said party of the second part, his heirs and assigns, forever all those parcels and lots of land situated, lying, and being in the county of St. Johns and State of Florida, as follows:

The undivided half of that certain tract of land at Moultrie known as the grants to Dupont and Bosely, and designated upon the United States surveys as sections 47 and 38, of township eight south, of range 30 east, being about five miles south of St. Augustine, and bounded east by the Matanzas River, south by Moultrie Creek, west by public dock, and north by lands nor or lately of Canovar; also the one half of the Andreu grant in the city of St. Augustine, being the same property conveyed to Peter Sken Smith by Venancio Sanchez by deed dated the thirteenth day of April, anno Domini 1841, bounded north by the Noda grant, west by the public road on which it fronts for one hundred and fifty-five feet, south by the other half of said Andreu grant or lot of Howard, and east by the channel of the Matanzas River, also the water lot to the east of Beach Street, as platted in the plan of that part of the city of Saint Augustine known as North City in the Noda concession, as made by James M. Gould, county surveyor, about April twenty-seventh, A. D. 1838, and said lot fronting on Beach Street for one hundred and eighty feet, and being bounded north by the south line of the Mary

Digitized by Google

Ann Davis tract, on the south by the extension of Shenandoah Street, and on the east by the channel of the Matanzas River.

Also the lots or subdivisions numbers fourteen, sixteen, twenty, twenty-two, twenty-three, twenty-four, twenty-five, and twenty-six (14, 16, 20, 22, 23, 24, 25, 26) in what is known as North City in Saint Augustine, Florida, being a part of the Noda grant, as surveyed and plotted by James M. Gould, county surveyor, about April twenty-seventh, A. D. 1838, and each of said lots is bounded as by said plot designated, to which plat, recorded in the public records of Saint Johns County, Florida, reference is hereby made the same as if the said plot was made a part of this deed.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, property, possession, claim, and demand whatsoever, as well in equity as in law, of the said parties of the first part, and each of them, of, in, and to the above-described and hereby bargained and conveyed premises, and every part and parcel thereof. To have and to hold the same with the appurtenances unto the said party of the second part, his heirs and assigns, to and for his own use, benefit, and behoof forever.

In witness whereof the said parties of the first part have hereunto set their hands and seals the day and year first above written.

GERRIT H. SMITH.	[SEAL.]
MARIA A. F. SMITH.	[SEAL.]
WILLIAM BAIRD.	[SEAL.]
MINNIE BAIRD.	[SEAL.]
WILLIAM BAIRD, *Trustee.*	[SEAL.]
ABSALOM BAIRD, *Trustee.*	[SEAL.]

Signed, sealed, and delivered in the presence of us:

SAMUEL L. TAYLOR.
W. C. ROBERTS (for Gerrit H. Smith and Maria A. F. Smith).
JOHN E. BEALL.
JOHN H. MITCHELL (as to William and Minnie Baird and William and Absalom Baird, trustees).

(Here follow the customary acknowledgments before a commissioner of deeds, and a certification of the deed as a true and correct copy of deed filed in the office of the clerk of the circuit court, St. Johns County.)

The SECRETARY OF WAR,
Washington, D. C.:

Re rider to the Army appropriation bill, Sixty-first Congress, third session, chapter 209, 1911, directing the release of a strip off the north line of Fort Marion Reservation "to restore what is known as Clinch Street."

As counsel for Mr. W. N. P. Darrow and the estate of William G. Warden, two of three owners of lands which abut on the north line of Fort Marion Reservation, I desire to make the following statement of facts:

In A. D. 1834 an official survey of the public and private lots at St. Augustine was made by Benjamin and J. B. Clements under the authority of an act of Congress.

Digitized by Google

In making this survey and the accompanying map, which were approved by the surveyor general of Florida, the surveyors began their survey for the private lands north of the city gates at the face of the gates. Thereafter a survey was made by order of the War Department by Maj. Benham, about 1846, I think.

In making his survey Maj. Benham located the north line of the Fort Marion Reservation, which is the south line of the first of the private land claims, viz, the Noda concession, about 86 feet farther north than this line had been located by the Clements survey, this location being found by starting from the north line of the moat, running from Fort Marion westwardly to the Sebastian River.

This difference of 86 feet in what should be the true location of the north line of Fort Marion Reservation and the south line of the Noda concession, remained unsettled for more than 50 years, when a patent was issued by the Land Department by which the south line of the Noda concession was located in accordance with the Clements survey.

This location has since been accepted by the War Department and is now permanently settled and all controversies as to the true location of the north line of Fort Marion Reservation and the south line of the private land claims is forever ended.

When the War Department contended that the true north line of the Fort Marion Reservation was 86 feet north of its present accepted location, and the location given it in the patent from the United States, Clinch Street, as plotted, occupied some part of the strip of land then claimed by the War Department to be within the Fort Marion Reservation, and an act of Congress similar to the act under consideration would have been reasonable and proper and a recognition of the location of Clinch Street, and if the street had been at any time abandoned or closed the wording of the act manifesting its purpose "to restore" the street formerly known as Clinch Street would have been proper.

Since, however, the establishment of the north line of Fort Marion Reservation wholly, and on the east side a considerable distance, south of the south line of Clinch Street as plotted, and south of the south line of lands ever claimed to be private lands, the passage by Congress of an act declared on its face to be for the purpose of releasing a part of Fort Marion Reservation "for the purpose of restoring the street formerly known as Clinch Street" is nugatory, because such street never having existed on the reservation can not be restored by a relinquishment of any part of the reservation, and such act should be held to be void for the manifest deception appearing on the face of the act.

The Committee on Military Affairs of both branches of Congress never would have passed such an act if they had been correctly informed as to the facts.

It may be true that the private landowners of certain of the lots into which the Noda grant was plotted did make use of Clinch Street seventy-odd years ago and for some time thereafter, but during all that period there existed the contention between the Government, represented by the War Department, and the private landowners as to whether Clinch Street was located upon private land or was located upon the lands of the Fort Marion Reservation as laid out by Maj. Benham.

Digitized by Google

No one will contend that the platting of Clinch Street over lands admitted to be a part of the public lands of the United States would initiate any right, either in the private landowners or in the general public, but it is unnecessary to consider that question because the actual location of the street upon the ground falls wholly within the lines of the Noda concession as patented by the United States, and also as said grant was surveyed as a private land claim.

It is respectfully submitted that your office, upon submission of said act of Congress directing the release of lands in the Fort Marion Reservation as now located "for the purpose of restoring the street formerly known as Clinch Street" to the legal adviser of your department, will hold and should hold, that inasmuch as Clinch Street, as plotted by the owner of the Noda concession and as actually laid out on the ground, was located north of the present north line of Fort Marion Reservation and wholly without that reservation as now recognized and existing, but was located upon lands formerly claimed as a part of the Fort Marion Reservation but now admitted by the United States to be private lands lying wholly within the Noda concession; and so holding that, you will further hold that as Secretary of War you have no power to release to the city of St. Augustine any land of the present Fort Marion Reservation, and that the said act of Congress has no application to the Fort Marion Reservation as it now exists, but must have referred to the Fort Marion Reservation as it was located in the survey made by Maj. Benham; and that inasmuch as the strip of land 86 feet wide lying between the north line of Fort Marion Reservation as located by Clement's survey and the north line of said reservation as located by Maj. Benham has already been released to the private landowners by the patent issued to the owner of the Noda concession, that your office has no duty to perform under said act of Congress.

Respectfully submitted,

W. W. DEWHURST,
Attorney, St. Augustine, Fla.

ST. AUGUSTINE, FLA., *July 31, 1914.*

Secretary GARRISON,
War Department, Washington, D. C.

DEAR SIR: In 1886 a survey was made by the War Department, overlapping my property 60 feet, also 15 feet on Clinch Street, on the Noda concession, for a street. I applied for patent in 1887, relinquishing to me this property, of which I now hold possession—relinquishing also the 15 feet of the Noda concession given by Peter Shenks Smith for a street. Not being wide enough, he exchanged with Mr. Venancio Sanchez for a part of the grant to Juan Andreu, not being aware at the time, I suppose, that this grant was taken in the fort reservation by the War Department, or he would not have given other property for it. From this Peter Shenks Smith added to the 15 feet of the Noda concession, making a street 36 feet wide, which was the south boundary of 20 lots, recorded in the clerk's office in 1838. After the survey in 1886, in 1891 the captain of United States Engineers had the fort reservation inclosed with a picket fence, closing in also the 15 feet of the Noda concession be-

Digitized by Google

longing to the city. Also, fences were put across city streets, which the War Department claimed by a survey used by the city.

In 1910, by an act of Congress, the property owners on the south of the fort reservation, who the War Department claimed had encroached, were assessed an amount which they paid. On the north side patents were issued in 1887 giving back the south 75 feet of the Noda concession, the War Department encroachment of 1886. This was was kept closed until 1910, when an act of Congress was passed drawing in the original lines of the fort reservation. Capt. Spaulding, of the United States Engineering Department, recommended that the War Department give to the city 23 feet from the north line of the reservation to restore Clinch Street. This was made a law by Congress in 1911. While the city was waiting for the War Department to establish the line of the 23 feet, a protest was sent to the War Department to have the law rescinded upon complaint of parties who represented that the owners did not want the street. Capt. Darrow expressed himself to me that I should have the street. Mr. Warden told Mr. Center, a city councilman, that he was willing, also that he would do what he could to get it. I am the third owner whose property is depreciated by being bottled up the entire south line. The fence put across the street in front of my residence in 1891 was removed after Gen. Darrow bought the lot which I owned, and the posts were put across the street at the intersection of Water Street; and the 15 feet left for Clinch Street, I understand, by the United States engineers, 60 feet south of the fence taken down. As the lines have been drawn in 15 feet from my south fence, also 15 feet on Water Street on a line with my present fence, which does not represent a survey by the War Department, will you kindly instruct the mayor, A. W. Corbett, to have them removed, as being put there by the United States engineers, the mayor hesitates to remove them, as he does not know who put them there, but they are on a city street.

I would thank you if you would attend to this at your earliest convenience, as I am debarred from using my property on the south, and it is a great pecuniary loss which I can not afford, as when I bought the property the street was open to all vehicles. This wrong was corrected in 1887, but not released to me until 1910, and this 15 feet is closed by the War Department, with the posts at the intersection of Water and Clinch Streets.

Very respectfully,

MISS LUCY B. ABBOTT.

(Also please survey this 23 feet given the city of St. Augustine.)

ST. AUGUSTINE, FLA., *August 23, 1915.*

The SECRETARY OF WAR,
Washington, D. C.

SIR: Inclosed please find copy of a resolution respecting the opening of Clinch Street, St. Augustine, Fla., passed by the city commission at its last meeting.

Kindly acknowledge receipt.

Yours, truly,

C. G. OLDFATHER,
Auditor and City Clerk.

Digitized by Google

[Second indorsement.]

From: Office of Chief of Engineers, August 28, 1915.
To: The District Engineer Officer, Jacksonville, Fla.
For notation and early return.

[Third indorsement.]

UNITED STATES ENGINEER OFFICE,
Jacksonville, Fla., September 1, 1915.

The CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C.

1. Returned, noted.

N. B. SADNE,
Major, Corps of Engineers.

Commissioner Henry W. Davis then introduced the following resolution, which was read by the city auditor and clerk, which said resolution is as follows:

RESOLUTION.

Whereas the city council of the city of St. Augustine, Fla., did, at a special meeting held in the city council chamber, in the city of St. Augustine, Fla., on the 12th day of July, A. D. 1915, pass a resolution accepting from the United States Government a street known in said resolution as Clinch Street, said street to run on the north side of the fort reservation from San Marco Avenue to the bay, and requesting the opening of said street and notifying the Federal Government of its acceptance by the city of St. Augustine, Fla., and authorizing the mayor to put the resolution into effect, and,

Whereas it is the sense of this city commission of the city of St. Augustine, Fla., that there is no public demand for the acceptance survey or opening of said Clinch Street the opening of which would destroy a large number of splendid shade trees, and that such a street would be both useless and unnecessary and not a benefit to the city of St. Augustine, Fla., and,

Whereas, the city has no funds at this time with which to grade, curb, and pave such a street, and that such street would destroy the beauty of the one public reservation in the city which is both attractive and beautiful, and be of no civic value to the city, and,

Whereas there is a street just north of this proposed Clinch Street which runs from San Marco Avenue to the bay and accommodates all the people who could possibly get any benefit from the opening of Clinch Street; therefore be it

Resolved, First, that the action taken by the city council of the city of St. Augustine, Fla., at its special meeting held on July 12, A. D. 1915, in accepting by resolution said Clinch Street from the War Department and the United States Government, and ordered the opening of said street, be and the same is hereby rescinded. Second, that the city clerk and auditor be and he is hereby ordered and instructed to immediately notify the United States Government engineers office at Jacksonville, Fla., and the honorable Secretary of War at Washington, D. C. of the action of this commission, and, be it further

Resolved, That this commission does hereby request and ask that the Government of the United States do not open said Clinch Street and that the land sought to be used by the former city government be retained by the Government of the United States, and that the Fort Marion Reservation be left in the condition that it now is, and, be it further

Resolved, That all matters and actions taken by the said city council of the city of St. Augustine, Fla., relative to the opening of said Clinch Street, be, and the same are hereby rescinded.

Passed in open session of the city commission of the city of said St. Augustine, Fla., on this 20th day of August, A. D. 1915.

Approved: J. E. INGRAHAM, *Mayor.*

Attest:
C. G. OLDFATHER,
City Auditor and Clerk.

I, C. G. Oldfather, auditor and clerk of the city of St. Augustine, Fla., do hereby certify that the foregoing is a correct and true copy of the resolution as passed by the city commission August 20, 1915.

[SEAL.]

C. G. OLDFATHER,
City Auditor and Clerk.

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 946.

AMENDMENTS TO SECTIONS 165 AND 177, PENAL LAWS, ETC.

LETTER

FROM

THE ACTING SECRETARY OF THE TREASURY,

SUBMITTING

DRAFTS OF PROPOSED AMENDMENTS TO SECTIONS 165 AND 177 OF AN ACT TO CODIFY, REVISE, AND AMEND THE PENAL LAWS APPROVED MARCH 4, 1909; ALSO DRAFTS OF A PROPOSED BILL TO PREVENT THE CIRCULATION OF NOTES OF DEFUNCT STATE BANKS, AND FOR OTHER PURPOSES.

MARCH 27, 1916.—Referred to the Committee on the Judiciary and ordered to be printed.

TREASURY DEPARTMENT,
Washington, March 24, 1916.

SIR: I have the honor to submit herewith drafts of proposed amendments to sections 165 and 177 of "An act to codify, revise, and amend the penal laws of the United States, approved March 4, 1909"; also the draft of a proposed act to prevent the circulation of notes of defunct State banks, of certain foreign countries, or of governments not in existence, and for other purposes, and respectfully urge their enactment into law.

The proposed amendment to section 165 is intended to give to the nickel and copper coins the same protection against mutilation or defacement as now surrounds the gold and silver coins. The other legislation proposed is intended to prevent the indiscriminate sale and circulation of defunct State bank notes, and the worthless currency of governments not recognized by the United States, or governments not in existence, and imitations of them.

This worthless currency has been quite extensively distributed in the United States, particularly in the Southern and Western States, and its general resemblance to money has enabled criminally inclined persons to defraud the ignorant and unwary, by representing it to be lawful currency, or using it in lieu of the obligations and securities of the United States.

Digitized by Google

This legislation, if enacted, will tend to better protect our obligations and securities, and create a greater confidence in our currency among those of our citizens not sufficiently expert to discriminate between the false and the true.

Respectfully,

BYRON R. NEWTON.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

A BILL To amend sections one hundred and sixty-five and one hundred and seventy-seven of an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March fourth, nineteen hundred and nine.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one hundred and sixty-five and section one hundred and seventy-seven of an act entitled "An act to codify, revise, and amend the penal laws of the United States," approved March four, nineteen hundred and nine (thirty-five Statutes at Large ten hundred and eighty-eight), be, and the same are hereby, amended to read as follows:

SEC. 165. Whoever, fraudulently, or willfully, by any art, way, or means, shall deface, mutilate, impair, diminish, falsify, scale, or lighten, or cause or procure to be fraudulently or willfully defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, or willingly aid or assist in fraudulently or willfully defacing, mutilating, impairing, diminishing, falsifying, scaling, or lightening, the gold, silver, or other coins which have been, or which may hereafter be, coined at the mints of the United States, without wholly destroying such coin as a circulating medium, or any foreign gold, silver, or other coins which are by law made current or are in actual use or circulation as money within the United States or in any place subject to the jurisdiction thereof; or whoever shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or bring into the United States or any place subject to the jurisdiction thereof, from any foreign place, any gold, silver, or other coin knowing the same to be defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, with intent to defraud any person whomsoever, or who shall have in his possession any such defaced, mutilated, impaired, diminished, falsified, scaled, or lightened coin, knowing the same to be defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, with intent to defraud any person whomsoever, shall be fined not more than $2,000 and imprisoned not more than five years.

SEC. 177. It shall not be lawful to design, engrave, print, or in any manner make or execute, or to utter, issue, distribute, circulate, or use any business or professional card, notice, placard, circular, handbill, or advertisement, in the likeness or similitude, in whole or in part, of any bond, certificate of indebtedness, certificate of deposit, coupon, United States note, Treasury note, gold certificate, silver certificate, fractional note, or other obligation or security of the United States which has been or may be issued under or authorized by any act of Congress heretofore passed or which may hereafter be passed, or of any note of any defunct State bank, or any note of a Government or pretended government of a foreign country which is not recognized by the Government of the United States of America, or any note of a government not in existence; or to write, print, or otherwise impress upon any such instrument, obligation, security, or note, or any part thereof, any business or professional card, notice, or advertisement, or any notice or advertisement of any matter or thing whatever. Whoever shall violate any provision of this section shall be fined not more than $500.

A BILL To prevent the circulation of notes of defunct State banks, of certain foreign countries, of governments not in existence, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who shall pass, or attempt to pass, as United States currency, or foreign, or other currency, any note, obligation, or currency of any defunct State bank, or any note, obligation, or

Digitized by Google

currency of a Government or pretended government of a foreign country which is not recognized by the Government of the United States of America, or any note, obligation, or currency of a government not in existence, or anything made or executed, in whole or in part, after the similitude of any such note, obligation, or currency, shall be deemed guilty of a felony, and upon conviction shall be fined not more than $500 or imprisoned not more than five years, or both.

SEC. 2. Any person who shall have in possession such note, obligation, or currency of a defunct State bank, or of the Government or pretended government of a foreign country which is not recognized by the Government of the United States, or of a government not in existence, with intent to sell or otherwise use the same, shall be deemed guilty of a felony, and upon conviction shall be fined not more than $500 dollars or imprisoned not more than five years, or both.

SEC. 3. All such notes, obligations, or currency of a defunct State bank, or of a Government or pretended Government of a foreign country which is not recognized by the Government of the United States, or of a Government not in existence, that shall be found in the possession of any person without authortiy from the Secretary of the Treasury or other proper officer to have the same, shall be taken and forfeited to the United States, and disposed of in any manner the Secretary of the Treasury may direct. Whoever having the custody or control of such notes, obligations, or currency shall fail or refuse to surrender the possession thereof upon request by any authorized agent of the Treasury Department shall be fined not more than $100, or imprisoned not more than one year, or both.

Digitized by Google

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 965.

SECTIONS 4935 AND 4936 OF THE REVISED STATUTES.

LETTER

FROM

THE ACTING SECRETARY OF THE TREASURY,

TRANSMITTING

RECOMMENDATIONS IN REGARD TO CERTAIN CHANGES IN LAWS RELATING TO PAYMENT OF PATENT FEES AND THE REFUND OF EXCESS PAYMENTS EFFECTED BY AMENDING SECTIONS 4935 AND 4936 OF THE REVISED STATUTES.

MARCH 29, 1916.—Referred to the Committee on Patents and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, March 27, 1916.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: In the interest of efficiency and good administration I have the honor to recommend changes in the existing laws relating to the payment of patent fees and the refundment of excess payments, such changes to be effected by amending sections 4935 and 4936 of the Revised Statutes of the United States to read as follows:

SEC. 4935. All patent fees shall be paid to the Commissioner of Patents, who shall deposit the same in the Treasury of the United States in such manner as the Secretary of the Treasury shall direct.

SEC. 4936. The Commissioner of Patents is authorized to pay back any sum or sums of money paid to him by any person by mistake or in excess of the fee required by law.

The proposed changes are very much desired by this department and as well by the Department of the Interior.

There are about 6,000 warrants for $1 each, or less, issued annually to persons who have deposited money in accordance with the provisions of the existing laws on account of "patent fees" in excess of the amount required by law. Of the total of 6,000 warrants issued about one-half are for 25 cents each, or less, and it further appears that many of the refundments are for the amount of 5 cents, making the cost of such refundments to the Government out of all proportion to the money value involved.

Digitized by Google

The present practice is based upon an interpretation of the laws made by Comptroller of the Treasury Tracewell in a decision dated November 23, 1911 (18 Comp. Dec., 368), to which attention was called by the Commissioner of Patents in his report for the year ended December 31, 1915 (H. R. 660, 64th Cong., 1st sess., pp. 23–26, copy inclosed), and a change of the laws recommended, citing the Report of the Investigation of the United States Patent Office, made by the President's Commission on Efficiency and Economy in December, 1912 (H. Doc. No. 110, 62d Cong., 3d sess., pp. 186–188).

The reasons advanced in the report of the Commissioner of Patents, in my opinion, conclusively show the need of the proposed changes in the existing laws upon this subject.

The form of the proposed amendments to sections 4935 and 4936, as now submitted herein, has the approval of the Department of the Interior, and is recommended by the Commissioner of Patents.

Respectfully,

BYRON R. NEWTON,
Acting Secretary.

PAYMENT AND REFUNDMENT OF FEES.

On pages 186, 187, and 188 of the Report of the Investigation of the United States Patent Office, made by the President's Commission on Economy and Efficiency in December, 1912 (62d Cong., 3d sess., H. Doc. No. 110), will be found some valuable recommendations regarding the payment of fees into the Patent Office and the refundment of such fees as were paid by mistake or were in excess of what was required by law. The subjects therein discussed should receive congressional action in the interest of economy and efficient administration.

PAYMENT OF FEES.

Section 4935, Revised Statutes.	*Section 4935, Revised Statutes (proposed amendment.)*
Patent fees may be paid to the Commissioner of Patents, or to the Treasurer, or any of the Aassistant Treasurers of the United States, or to any of the designated depositories, national banks, or receivers of public money, designated by the Secretary of the Treasury for that purpose; and such officer shall give the depositor a receipt or certificate of deposit therefor. All moneys received at the Patent Office for any purpose, or from any source whatever, shall be paid into the Treasury as received, without any deduction whatever.	Patent fees shall be paid to the Commissioner of Patents, and the commissioner, or such person as he shall deputize, shall make daily deposits in some bank in the District of Columbia, to be designated by the Secretary of the Treasury for this purpose, of all moneys received as patent fees; and shall make deposits of such fees with the Treasurer of the United States, at such times and in such manner as the latter shall direct; and shall also make monthly reports in aggregate to the Secretary of the Treasury of all remittances received and moneys refunded.

The purpose of the proposed amendment to section 4935, Revised Statutes, is to eliminate the provision for payment by Treasury certificate of deposit. Less than 3 per cent of the patent fees are paid by certificate of deposit, and this method of payment is a source of confusion and trouble. Under the regulations of the Treasury Department these certificates, when issued, are forwarded by the depositary to the Patent Office, and the depositor is therefore without means to control the actual time of payment into the Patent Office other than to receive the benefit of payment as of the date upon which the deposit is made.

The weekly issues of patents are made up of cases in which the final fees have been received by the office not later than Thursday. Under the rules of the Patent Office the patents bear date as of the fourth Tuesday following the close of the issue, the

Digitized by Google

intervening time being required to lithograph and engross the patent papers. It has happened in many cases that the failure to issue a patent upon a date arranged for by the inventor is due to the delay of the depositary in forwarding to this office the certificate of deposit. For instance, an inventor residing in Chicago will make payment of his final fee at the subtreasury on Monday, expecting that the patent will be in the issue which closes on the following Thursday; but if the depositary delays the transmission of this certificate until too late to reach the office by Thursday the issue of the patent goes over one week, very often to the inconvenience and disappointment of the inventor, and it will be several days before the unfavorable condition becomes known to the inventor, at which time it will be too late to correct the error. In numerous other cases there has been a failure of the depositary to date the certificate, and this necessitates correspondence and further delay in the issuance of the patent, for the fee can not be credited as having been paid unless the date of deposit thereof be shown.

When a certificate of deposit is used to pay the filing fee of an application a bad situation sometimes arises. An inventor residing, say, in one of the Pacific coast cities will lodge in this office an application for patent complete except as to the fee, and on the last day of the year within which he could make payment of the fee under the law he will make a deposit of the fee with a depositary. Eight or ten days thereafter, and after the expiration of the year, the office will receive the certificate, but must antedate the completion of the application to the date of the deposit of the fee. This requires that the application be given a fractional serial number and otherwise disarranges the continuity of our records. When a final fee is paid by an inventor under similar circumstances, it acts to prolong by 8 or 10 days the period during which the application is pending, contrary to the purposes of the law.

Payment by certificate of deposit is discriminatory and unfair to inventors residing in small places remote from Washington, in that such inventors, not having access to a depositary, are required to pay their fees in the form of remittance by cash, bank draft, or money order such a time in advance as to insure the receipt of the remittance within the lawful period. It is therefore apparent that section 4935, Revised Statutes, should be amended so as to require all fees to be paid directly into the Patent Office.

REFUNDMENT OF FEES.

Section 4936, Revised Statutes.

The Treasurer of the United States is authorized to pay back any sum or sums of money to any person who has through mistake paid the same into the Treasury, or to any receiver or depositary, to the credit of the Treasury, as for fees accruing at the Patent Office, upon a certification thereof being made to the Treasurer by the Commissioner of Patents.

Section 4936, Revised Statutes (proposed amendment).

The Commissioner of Patents is authorized to refund any money to any person who has paid the sum for fees to the Patent Office through mistake, or in excess, but no refundment of any money shall be made after the expiration of five years from the date of payment.

A decision of the Comptroller of the Treasury, dated November 23, 1911 (18 Comp. Dec., 368), in the matter of refundments by the Patent Office, has placed upon the office a very great burden, and has increased considerably the cost of administration. Prior to the decision referred to section 4936, Revised Statutes, was considered to have created an appropriation out of which the financial clerk of the Patent Office was authorized to refund such fees as were paid into the office by mistake or in excess. The old practice is found to have been in operation for about 40 years without question. Under the new practice the Patent Office certifies to the Treasury Department an abstract of all fees received by the Patent Office, including thousands of 5-cent items. This abstract, which is made monthly, comprises between 400 and 500 pages and embodies the name of each remitter, his address, the purpose for which the fee was paid into the office, and the amount thereof. After such abstract of fees received has been sent to the Treasury the Commissioner of Patents certifies to the Treasurer a list of the comparatively few cases wherein refundments of excess fees or fees paid by mistake are to be made. The certificate of refundment and the abstract of payments are audited, and thereafter a Treasury warrant for the amount to be refunded is drawn. About 6,000 of such warrants are issued annually. Three-fourths of the number are for sums of less than $1. The number of warrants for 5 cents each run into the hundreds. The gross receipts of the Patent Office for the year ended December 31, 1914, were $2,264,419.76, and the refundments during the same year amounted to $12,526.94.

Digitized by Google

This method of auditing and refunding by warrants through the Treasury is estimated to cost $1 for each transaction—that is, for each warrant—so that, to quote from the report (p. 167) mentioned, "it will be seen that while the practice established under the ruling of the comptroller conforms to the requirements of the law, the expense is out of proportion to the benefits."

The commission referred to recommended that the law be amended so as to authorize refundments to be made by the Patent Office.

In view of the fact that persons who pay money into the Patent Office by mistake, or in excess of the amount required, are notified promptly that refundment will be made upon request, it is believed that there should be some limitation upon the time within which such refundments can be made. For this reason it is proposed to add to section 4936, as amended, a provision that refundments on account of fees paid by mistake or in excess shall not be made after the expiration of five years from the date of payment. This limitation will enable the office to close its transactions and not be required to make reference to records which in future years may not be available. A requirement that refundment shall be made within a reasonable and definite time after payment will also eliminate the liability to make duplicate refundments.

These items enter very largely into the operations of the Patent Office, and the public business will be facilitated, at a reduced cost, if sections 4935 and 4936, Revised Statutes, are amended in the particulars pointed out.

O

Digitized by Google

64TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT No. 1034

RELATIONS WITH THE GERMAN GOVERNMENT

ADDRESS

OF THE

PRESIDENT OF THE UNITED STATES

DELIVERED AT A JOINT SESSION OF THE TWO HOUSES OF CONGRESS

APRIL 19, 1916

APRIL 19, 1916.—Referred to the Committee on Foreign Affairs and ordered to be printed

WASHINGTON
1916

Digitized by Google

Digitized by Google

RELATIONS WITH THE GERMAN GOVERNMENT.

GENTLEMEN OF THE CONGRESS:

A situation has arisen in the foreign relations of the country of which it is my plain duty to inform you very frankly.

It will be recalled that in February, 1915, the Imperial German Government announced its intention to treat the waters surrounding Great Britain and Ireland as embraced within the seat of war and to destroy all merchant ships owned by its enemies that might be found within any part of that portion of the high seas, and that it warned all vessels, of neutral as well as of belligerent ownership, to keep out of the waters it had thus proscribed or else enter them at their peril. The Government of the United States earnestly protested. It took the position that such a policy could not be pursued without the practical certainty of gross and palpable violations of the law of nations, particularly if submarine craft were to be employed as its instruments, inasmuch as the rules prescribed by that law, rules founded upon principles of humanity and established for the protection of the lives of non-combatants at sea, could not in the nature of the case be observed by such vessels. It based its protest on the ground that persons of neutral nationality and vessels of neutral ownership would be exposed to extreme and intolerable risks, and that no right to close any part of the high seas against their use or to expose them to such risks could lawfully be asserted by any belligerent government. The law of nations in these matters, upon which the Government of the United States based its protest, is not of recent origin or founded upon merely arbitrary principles set up by convention. It is based, on the contrary, upon manifest and imperative principles of humanity and has long been established with the approval and by the express assent of all civilized nations.

Notwithstanding the earnest protest of our Government, the Imperial German Government at once proceeded to carry out the policy it had announced. It expressed the hope that the dangers involved, at any rate the dangers to neutral vessels, would be reduced to a minimum by the instructions which it had issued to its submarine commanders, and assured the Government of the United States that it would take every possible precaution both to respect the rights of neutrals and to safeguard the lives of non-combatants.

What has actually happened in the year which has since elapsed has shown that those hopes were not justified, those assurances insusceptible of being fulfilled. In pursuance of the policy of submarine warfare against the commerce of its adversaries, thus announced and entered upon by the Imperial German Government in despite of the solemn protest of this Government, the commanders of German undersea vessels have attacked merchant ships with greater and greater activity, not only upon the high seas surrounding Great Britain and Ireland but wherever they could encounter them, in a

Digitized by Google

way that has grown more and more ruthless, more and more indiscriminate as the months have gone by, less and less observant of restraints of any kind; and have delivered their attacks without compunction against vessels of every nationality and bound upon every sort of errand. Vessels of neutral ownership, even vessels of neutral ownership bound from neutral port to neutral port, have been destroyed along with vessels of belligerent ownership in constantly increasing numbers. Sometimes the merchantman attacked has been warned and summoned to surrender before being fired on or torpedoed; sometimes passengers or crews have been vouchsafed the poor security of being allowed to take to the ship's boats before she was sent to the bottom. But again and again no warning has been given, no escape even to the ship's boats allowed to those on board. What this Government foresaw must happen has happened. Tragedy has followed tragedy on the seas in such fashion, with such attendant circumstances, as to make it grossly evident that warfare of such a sort, if warfare it be, cannot be carried on without the most palpable violation of the dictates alike of right and of humanity. Whatever the disposition and intention of the Imperial German Government, it has manifestly proved impossible for it to keep such methods of attack upon the commerce of its enemies within the bounds set by either the reason or the heart of mankind.

In February of the present year the Imperial German Government informed this Government and the other neutral governments of the world that it had reason to believe that the Government of Great Britain had armed all merchant vessels of British ownership and had given them secret orders to attack any submarine of the enemy they might encounter upon the seas, and that the Imperial German Government felt justified in the circumstances in treating all armed merchantmen of belligerent ownership as auxiliary vessels of war, which it would have the right to destroy without warning. The law of nations has long recognized the right of merchantmen to carry arms for protection and to use them to repel attack, though to use them, in such circumstances, at their own risk; but the Imperial German Government claimed the right to set these understandings aside in circumstances which it deemed extraordinary. Even the terms in which it announced its purpose thus still further to relax the restraints it had previously professed its willingness and desire to put upon the operations of its submarines carried the plain implication that at least vessels which were not armed would still be exempt from destruction without warning and that personal safety would be accorded their passengers and crews; but even that limitation, if it was ever practicable to observe it, has in fact constituted no check at all upon the destruction of ships of every sort.

Again and again the Imperial German Government has given this Government its solemn assurances that at least passenger ships would not be thus dealt with, and yet it has again and again permitted its undersea commanders to disregard those assurances with entire impunity. Great liners like the *Lusitania* and the *Arabic* and mere ferryboats like the *Sussex* have been attacked without a moment's warning, sometimes before they had even become aware that they were in the presence of an armed vessel of the enemy, and the lives of non-combatants, passengers and crew, have been sacrificed wholesale, in a manner which the Government of the

Digitized by Google

United States cannot but regard as wanton and without the slightest color of justification. No limit of any kind has in fact been set to the indiscriminate pursuit and destruction of merchantmen of all kinds and nationalities within the waters, constantly extending in area, where these operations have been carried on; and the roll of Americans who have lost their lives on ships thus attacked and destroyed has grown month by month until the ominous toll has mounted into the hundreds.

One of the latest and most shocking instances of this method of warfare was that of the destruction of the French cross-Channel steamer *Sussex*. It must stand forth, as the sinking of the steamer *Lusitania* did, as so singularly tragical and unjustifiable as to constitute a truly terrible example of the inhumanity of submarine warfare as the commanders of German vessels have for the past twelvemonth been conducting it. If this instance stood alone, some explanation, some disavowal by the German Government, some evidence of criminal mistake or wilful disobedience on the part of the commander of the vessel that fired the torpedo might be sought or entertained; but unhappily it does not stand alone. Recent events make the conclusion inevitable that it is only one instance, even though it be one of the most extreme and distressing instances, of the spirit and method of warfare which the Imperial German Government has mistakenly adopted, and which from the first exposed that Government to the reproach of thrusting all neutral rights aside in pursuit of its immediate objects.

The Government of the United States has been very patient. At every stage of this distressing experience of tragedy after tragedy in which its own citizens were involved it has sought to be restrained from any extreme course of action or of protest by a thoughtful consideration of the extraordinary circumstances of this unprecedented war, and actuated in all that it said or did by the sentiments of genuine friendship which the people of the United States have always entertained and continue to entertain towards the German nation. It has of course accepted the successive explanations and assurances of the Imperial German Government as given in entire sincerity and good faith, and has hoped, even against hope, that it would prove to be possible for the German Government so to order and control the acts of its naval commanders as to square its policy with the principles of humanity as embodied in the law of nations. It has been willing to wait until the significance of the facts became absolutely unmistakable and susceptible of but one interpretation.

That point has now unhappily been reached. The facts are susceptible of but one interpretation. The Imperial German Government has been unable to put any limits or restraints upon its warfare against either freight or passenger ships. It has therefore become painfully evident that the position which this Government took at the very outset is inevitable, namely, that the use of submarines for the destruction of an enemy's commerce is of necessity, because of the very character of the vessels employed and the very methods of attack which their employment of course involves, incompatible with the principles of humanity, the long established and incontrovertible rights of neutrals, and the sacred immunities of non-combatants.

I have deemed it my duty, therefore, to say to the Imperial German Government that if it is still its purpose to prosecute relentless and

Digitized by Google

indiscriminate warfare against vessels of commerce by the use of submarines, notwithstanding the now demonstrated impossibility of conducting that warfare in accordance with what the Government of the United States must consider the sacred and indisputable rules of international law and the universally recognized dictates of humanity, the Government of the United States is at last forced to the conclusion that there is but one course it can pursue; and that unless the Imperial German Government should now immediately declare and effect an abandonment of its present methods of warfare against passenger and freight carrying vessels this Government can have no choice but to sever diplomatic relations with the Government of the German Empire altogether.

This decision I have arrived at with the keenest regret; the possibility of the action contemplated I am sure all thoughtful Americans will look forward to with unaffected reluctance. But we cannot forget that we are in some sort and by the force of circumstances the responsible spokesmen of the rights of humanity, and that we cannot remain silent while those rights seem in process of being swept utterly away in the maelstrom of this terrible war. We owe it to a due regard for our own rights as a nation, to our sense of duty as a representative of the rights of neutrals the world over, and to a just conception of the rights of mankind to take this stand now with the utmost solemnity and firmness.

I have taken it, and taken it in the confidence that it will meet with your approval and support. All sober-minded men must unite in hoping that the Imperial German Government, which has in other circumstances stood as the champion of all that we are now contending for in the interest of humanity, may recognize the justice of our demands and meet them in the spirit in which they are made.

O

Digitized by Google

64TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | DOCUMENT No. 1038

DEVELOPMENT OF EAST POTOMAC PARK

LETTER FROM THE SECRETARY OF WAR AD INTERIM

TRANSMITTING

A REPORT OF THE OFFICER IN CHARGE OF PUBLIC BUILDINGS AND GROUNDS, PRESENTING A COMPREHENSIVE PLAN FOR THE DEVELOPMENT OF EAST POTOMAC PARK AS A PUBLIC RECREATION GROUND

APRIL 20, 1916.—Referred to the Committee on Appropriations and ordered to be printed, with illustrations

WASHINGTON
GOVERNMENT PRINTING OFFICE
1916

Digitized by Google

Digitized by Google

LETTER OF TRANSMITTAL.

WAR DEPARTMENT,
Washington, February 18, 1916.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit a letter of the Chief of Engineers, United States Army, dated February 18, 1916, inclosing a report by the officer in charge of public buildings and grounds, dated February 11, 1916, presenting a comprehensive plan for the development of East Potomac Park as a public recreation ground.

I recommend that the letter and the report, together with the illustrations, be printed.

Very respectfully,

H. L. SCOTT,
Secretary of War ad interim.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, February 18, 1916.

From: The Chief of Engineers.
To: The Secretary of War.
Subject: Improvement of East Potomac Park.

1. I have the honor to transmit a report of the officer in charge of public buildings and grounds, dated February 11, 1916, presenting a comprehensive plan for the development of East Potomac Park as a public recreation ground, together with an estimate of the cost of executing that plan.

2. This plan has been prepared in the office of public buildings and grounds, which is well equipped for the preparation of such a project. It has been the subject of much thought and has been developed with great care. It has progressed under the supervision of the national Commission of Fine Arts, and has the approval of that body as a preliminary study.

3. While I am not prepared to pass at this time upon all of the details of the proposed development, I am in favor of the plan as a whole. The estimates of costs appear proper, and the plan is considered as a preliminary study only, and will be subject to further study when the consideration of its details is undertaken.

4. The buildings of the Washington district engineer depot, in the northeast corner of the park, adjacent to the railroad embankment, are shown on plan of the proposed development, but they will not be removed unless their removal is specially considered and authorized.

5. It is recommended that the report herewith be transmitted to Congress with a recommendation that it be printed, with the illustrations.

DAN C. KINGMAN,
Chief of Engineers, United States Army.

Digitized by Google

Digitized by Google

DEVELOPMENT OF EAST POTOMAC PARK.

OFFICE OF PUBLIC BUILDINGS AND GROUNDS,
Washington, February 11, 1916.

From: The officer in charge.
To: The Chief of Engineers, United States Army.
Subject: Improvement of East Potomac Park.

1. In accordance with the general instructions for the preparation of plans for the improvement of areas under charge of this office, and to meet the suggestions made from time to time to the officer in charge of public buildings and grounds by members of the Committee on Appropriations of the House of Representatives during hearings before that committee, I am forwarding herewith a comprehensive plan, for the development of East Potomac Park as a public recreation ground, together with a report on the cost. It is suggested that this report be forwarded to Congress at an early date with the request that it be printed with the illustrations, which are considered an essential part.

2. After careful consideration of the problem of improving East Potomac Park so as to provide outdoor recreation facilities in the National Capital, the following project is proposed:

THE DISTRICT OF COLUMBIA AS THE SEAT OF THE NATIONAL GOVERNMENT.

3. The District of Columbia is devoted almost exclusively to the purposes of the Government. Its population is made up of Government officials or those dependent upon such officials for their support. Washington is neither a manufacturing nor a commercial city; nor can private enterprise ever expect to compete with the Governmental agencies, under the conditions that prevail. The resident population not engaged in any occupation is so small as to be insignificant.

4. The people of Washington, whether actually in Government employ or not, pay (either directly through ownership or indirectly through rent) the average taxation imposed by municipalities throughout the country.

5. Congress in providing for the needs of the District of Columbia is only supplying to citizens of the United States living conditions to which they are entitled according to the present standards of civilization. Properly, also, Congress is expressing in visible ways the dignity of the Government and the power and importance of the Nation. It is a popular but untrue fiction that there is in the District of Columbia a large class of permanent residents for whom the Government is furnishing unusual favors or privileges.

6. It can not be insisted upon too strongly that the one paramount interest in the District of Columbia is the Government interest; and that whatever Congress does here it does for the representatives of

Digitized by Google

the people of the United States. The very fact that the citizens of the District are not permitted to exercise the right of suffrage sustains the contention that the District exists primarily for the United States. The further fact that they are called upon to pay the usual rate of taxation indicates that they are enjoying no unusual privileges.

7. Congress, therefore, may properly provide for the District of Columbia all those park and recreation features which civilization has come to demand, with the firm assurance that it is providing for its own household instead of conferring a favor on any special body of citizens.

MODERN RECREATION FACILITIES FOR THE PUBLIC USE.

8. Suitable public recreation facilities are now widely recognized as an essential factor in laying the foundations for good citizenship and for the healthful, moral, and physical development of the people. In recent years it has become more and more the duty of municipalities to provide wholesome outdoor recreation for the public in such form as may be readily available for those who can not otherwise have such opportunities. Efforts are being made in many cities, not only to make labor conditions better, but to guide the people after working hours to those recreations which, by experience and popular demand, are found to contribute most to the making of a happy, healthy, and contented community.

9. The dwellings and yards of the vast majority of city dwellers are too cramped for effective healthful recreation, and the ever-increasing tendency to live in tenements or apartments prevents their occupants from indulging in gardening and those other incidental minor outdoor recreations usually available to the inhabitants of houses. The street pavements of the city are the nearest and most convenient spaces that offer any relief to the young, but streets can not, of course, be approved as permanent or satisfactory playgrounds. The so-called commercial amusements, such as theaters, bowling, billiards, pool, dancing halls, and the like, furnish nothing toward the universal natural craving for outdoor recreation. The instinct for play is as fundamental and strong in the human being as it is in the lower forms of life and is limited to no race or class. Whatever form of mental or physical relaxation it may take, it is essential to man's well being.

10. The use of the small neighborhood playground, yet in its infancy, has in the larger cities already become a habit with numbers of our young people in their energetic daily life. One result is that juvenile delinquencies are being lessened, which means, in many cases, merely a wise transfer of expenditure for maintenance of penal institutions and incidental police control to the maintenance and equipment of recreation centers. Some great industrial corporations have found it sound business policy to provide and maintain facilities for indoor and outdoor recreation of their employees. The activities in this direction indulged in by the large universities, colleges, and other schools in behalf of their students are too well known to need more than passing comment, for the public has taken great delight in witnessing their great athletic contests.

Digitized by Google

PUBLIC PARKS AS SERVICE CENTERS.

11. The open stretches of large public parks are fast becoming service centers with facilities for recreation for the whole community rather than breathing spaces for the fortunate few who reside in their immediate neighborhood, or for those who have private means of conveyance. No city, however well provided with modern physical necessities and conveniences, is now attractive to live in if the comfortable enjoyment by the people of outdoor pastimes and diversions is neglected or denied. In fact, the more these recreations are provided for, the more rapid the expansion of the city and the greater its growth as a successful modern social and economic center. They become civic assets of the first importance. The new charters of some large municipal corporations such as Cleveland, Seattle, Detroit, and St. Louis, have created special departments of public welfare, with supervisory jurisdiction over open-air recreations. In brief, better recreation facilities have become an important feature in progressive municipalities.

PROVISION FOR RECREATION FACILITIES IN CITY PLANNING.

12. The great recognition which city planning has received since the World's Columbian Exposition in 1892 is given not merely because it solves the major utilitarian problems of transportation and other economic features, but because it also recognizes the needs of human welfare and provides accessible recreation centers for the masses, as prime factors in the modern city's industrial and social efficiency. Chicago, Detroit, Boston, Kansas City, Harrisburg, Rochester, Des Moines, Denver, Nashville, St. Louis, and other cities too numerous to mention, are already in the vanguard of this movement and have ambitious plans for broadening their corporate functions in this direction. Public parks, properly equipped for service, are the most practical and economical means of providing all persons with healthful outdoor exercise. From all sections of the country reports are received of increase in appropriations for new or extended parks, and for their better improvement, equipment, and maintenance. Some cities that have lagged behind in this phase of municipal endeavor are now starting in with energy, while the larger cities, like New York, Philadelphia, Boston, and Chicago have spent millions of dollars for this public purpose alone.

13. A trip through South Park or West Park in Chicago, to Revere Beach in Boston, or Belle Isle Park in Detroit, will show the wide range of these municipal endeavors, and the appreciative use made of the facilities provided. For the young there are wading pools and sand boxes, apparatus for swinging and climbing, and an abundance of space for running and playing the children's games, while shelters near at hand for the watchful parents provide convenient and charming spots for their enjoyment. For those of maturer years opportunity is afforded for indulging themselves in the more strenuous exercise of playing the many popular American games in the large open areas equipped for golf, cricket, baseball, and tennis. Drives and walks through shady portions of the parks, along the shores of streams and lagoons, through cool valleys and other picturesquely treated sections, give diversion to those riding or on foot who may wish to withdraw from the exuberant enthusiasm of youthful play.

Digitized by Google

WASHINGTON'S NEED—A LARGE PUBLIC RECREATION AND SERVICE PARK.

14. The Park Commission of 1901, in its excellent and carefully studied report, states:

> While from the 1st of October till about the middle of May the climatic conditions of Washington are most salubrious, during the remaining four and a half months the city is subject to extended periods of intense heat, during which the public business is conducted at an undue expenditure of physical force. Every second year Congress is in session usually until about the middle of July, and not infrequently it happens that by reason of prolonged or special sessions during the hottest portion of the summer the city is filled with the persons whose business makes necessary a more or less prolonged stay in Washington. Singularly enough, up to the present time the abundant facilities which nature affords for healthful and pleasant recreation during heated terms have been neglected, and in this respect Washington is far behind other cities whose climatic conditions demand much less and whose opportunities also are less favorable.

This condition, so frankly observed then, still exists. In the summer the heat, rendered doubly oppressive by the heavy humidity of the Washington climate, is very trying. Under such physical conditions access to the water is probably more appreciated and refreshing than any other form of diversion. Bathing, swimming, and boating are the aquatic recreations indulged in by the more active, while the cool water views are restful and diverting to those who are unable to participate in these lively exercises. Salt-water bathing is not within easy reach of Washingtonians, and the distances to be traveled to reach the nearest points on the shores of Chesapeake Bay or the lower Potomac are deterrents to most of the heads of families in indulging in these opportunities. The upper Potomac, to the lower falls, is dotted during summer days with small water craft. Rock Creek Park and the Zoological Park offer hours of recreation and repose, but the many beauties of these parks are still inaccessible to the great majority of visitors. The capacity of the small municipal bathing pool has not been sufficient to accommodate the more than 100,000 persons who desired to use it during the past season. It has been found necessary at times to divide the bathers into three shifts, and on occasions to turn away hundreds without permitting them to bathe at all. This pool is nothing more than a temporary makeshift until better means can be provided. The constant demands for the use of the public baseball diamonds and tennis courts on the public grounds can not be met, notwithstanding a yearly increase in these facilities. The 11 small playgrounds under the municipal authorities are not sufficient in number to cover even the sectional needs of the city.

15. For the great mass of the people who are obliged to stay in the city practically throughout the year nothing of the sort is easily accessible. Prevented during the hot months from seeking relief at a distance, they would eagerly welcome the opportunities of enjoyment and rest at some conveniently situated, easily accessible service park as other cities have, a park where the family as a whole or individuals could find wholesome mental and physical recreation.

16. Although Washington is not a manufacturing city in the accepted meaning of that term, the Government maintains here great manufacturing establishments, notably the Naval Gun Shops, the

Digitized by Google

Government Printing Office, the Bureau of Engraving and Printing, and the mail-bag repair shops. The employees in these Government factories need recreation facilities; and their children, who are growing up to take their places, need them still more. This need is the more pressing because, with the growth of the city, the vacant spaces which were available as playgrounds for the former generations are now occupied with buildings.

WASHINGTON'S OPPORTUNITY FOR RECREATION IN EAST POTOMAC PARK.

17. A rare opportunity is now presented for transforming the large flat area east of the railway embankment below the Tidal Basin, commonly called East Potomac Park, into a public recreation field of this type. It is now a part of the park system of the District of Columbia, under the jurisdiction and control of the Chief of Engineers, United States Army, who exercises his supervision through the Engineer officer in charge of public buildings and grounds. This area forms a continuation of Potomac Park, being separated from the latter by the railway embankment. The driveways in Potomac Park have been extended to the lower end of East Potomac Park, and new planting has been arranged to make these roads more attractive. At the same time, the fact that this park is adjacent to South Washington, the one section of the city most in need of recreation places, makes it desirable to utilize the opportunities presented by a large area especially adapted to playgrounds and boating facilities. Fortunately, the area is sufficient, and the means of access are available for the accommodation of certain sports enjoyed by the people of the entire District.

HISTORY OF THE PARK.

18. It is fitting at this point to give a brief history of the transformation of this particular area from an unhealthful, disease-breeding mud flat to its present promising condition, a magnificent attainment which resulted from no haphazard scheme. While its entire development was carried on merely as an incident to the sanitary and harbor requirements of the National Capital, nevertheless it has been in harmony with the plans for the intelligent development of the area to meet the great prospective needs of the city. Even in the very inception of the project it was foretold that a splendid park addition to the city would be the result. This purpose has been fostered by Congress from the beginning.

19. The oldest map of the Potomac River in this vicinity of which there is any record was made by Andrew Ellicot in 1792. This map apparently gives us the earliest authentic information of the topography of the river bed in the vicinity of Washington. The shoals are not indicated, however, only the channels being shown.

20. The next authentic survey of record appears to have been made in 1834 by Lieut. Col. Kearney, of the Corps of Topographical Engineers. Kearney's map shows that at extreme low water there were two shoals near the Long Bridge. the smaller one a short distance below the bridge and about 1,000 feet from the Washington shore; the larger one close to the Virginia channel, crossed by the Long

Digitized by Google

Bridge, and exposing an area of about 100 acres at extreme low tide. A number of surveys were made from Kearney's time up to about 1880, but nothing definite was accomplished toward the reclamation of the shore areas until 1882.

21. Beginning of work on the main reclamation project in the latter year was undoubtedly accelerated by the disastrous Potomac River flood of 1881, which caused considerable property damage on the river front of the city. A far more imperative reason, however was the condition of the river front of the city which, by that time, had become so bad from a sanitary point of view as to render the adjacent portions of the city almost uninhabitable. For nearly a century flats and marshes had been in gradual process of formation, extending from Observatory Hill to a point about opposite the Arsenal below the Long Bridge. They were caused by deposits of sediment from the river and by the accretion of solid matter from the sewers. The sewer at the foot of Seventeenth Street discharged its contents directly on the nearest flats, then called Kidwell's Meadows. Covered with a dense rank growth of marsh sedges and other aquatic weeds, they were submerged for about one half the time and bare for the other half. In the latter condition they were exposed each day to the direct rays of the sun, and during the summer time produced great discomfort in the adjacent inhabited portions of the city because of the stench arising from the decomposing material. The District Commissioners of that period urged in strongest terms that some decisive action be taken to abate what had become well-nigh an intolerable nuisance. In a report made November 26, 1881, on the improvement of the sanitary condition of the Executive Mansion we find the following:

> Aside from the sanitary state of the Executive Mansion itself, and of its immediate drainage work, the problem is complicated by external conditions of which the very serious character has long been recognized. These external causes of insalubrity, affecting not only this building but more or less all that part of Washington which has the same exposure, are due to two or three well-marked defects.
>
> The most glaring and perhaps the most important is the condition of the Kidwell Flats, not far from 1,000 acres of silty deposit of the Potomac which is nearly or quite exposed at low tide, which bears in part a rich aquatic vegetation, and which is a lodging ground for the sewage and other matters with which the waters of the Potomac are fouled.

22. No argument is needed to prove that conditions at that time were offensive and detrimental to public health, and, looking at it from the advanced hygienic standards of the present day, it seems inconceivable that such conditions should have been tolerated for such a long time in the immediate vicinity of the White House.

BEGINNING OF ACTUAL RECLAMATION.

23. It is obvious, therefore, that the sanitary conditions discussed above had an important influence on the project of necessary harbor improvements, and that when reclamation of the flats was undertaken it would be as an economical accessory of the elimination of shoals and the deepening of the channels in the Potomac. The reclamation of the flats by the pumping of the dredged material on them was thus the natural step.

Digitized by Google

24. In 1882 the Potomac Flats improvement project was definitely undertaken by Congress, and, under liberal annual appropriation throughout succeeding years, the reclamation of the entire area from Observatory Hill to the point opposite the arsenal, comprising in all about 739 acres, was accomplished. The work was divided into three sections, section 1 embracing what is now West Potomac Park, 135 acres; section 2, the present Tidal Basin and its immediate surrounding areas, 277 acres; and section 3, the portion southeast of the railroad embankment, 327 acres—the subject of this report.

CLEARING THE GOVERNMENT'S TITLE TO THE LAND.

25. Inseparably connected with the project of reclamation was the necessity for clearing the areas of all claims of title adverse to the United States. The original act for these improvements made it the duty of the Attorney General to examine all claims of title to the premises to be improved, and to see that the rights of the Government in all respects would be secured and protected, authorizing him also to enter suit in his discretion against all claimants of title under patents which might by mistake or otherwise have been improperly or illegally issued for any part of the marshes or flats within the limits of the proposed improvements. The further injunction was given that no part of the moneys appropriated should be expended upon any place in respect to which the title of the United States was in doubt, or in respect to which any claim adverse to the United States has been made. Extensive and prolonged litigation ensued, but in the final decree the United States Supreme Court sustained all the contentions of the United States as to title, and removed all legal obstacles to the prosecution of the improvements.

THE COST OF THE RECLAMATION OF THIS AREA.

26. The work of reclamation lasted 31 years. The average cost per acre of placing the dredged material was about $4,450, which for the entire area may be figured at $1,459,600. The work was done under the supervision of the engineer office having the river improvement in charge. The area to be reclaimed served merely as a convenient place of deposit for the dredged material, an incident to the major operations of channel improvement. The cost to the United States of this park may be said, therefore, to have been nothing as far as the reclamation itself was concerned, for this additional ground represents an acquisition obtained without the direct outlay of a dollar. By these operations land has been created valued at more than $7,000,000 in East Potomac Park alone.

THE PLAN OF IMPROVEMENT.

27. Upon the transfer of this area to the Chief of Engineers, United States Army, in 1914, as a part of the park system of the District of Columbia, there was made available a virgin tract of park land of 327.53 acres well above the highest river floods, protected by a strong serviceable sea wall, the soil of which is composed of the richest

Digitized by Google

alluvium, promising excellent planting possibilities for landscape adornment. The surface has been left in such condition by the dredging operations that the entire area is adaptable with little expense for development into a huge recreation field. Slight undulations of surface are even now sufficiently pronounced to drain well the major portion, but of course here and there various minor draining facilities will be required to dispose of occasional surface water which would otherwise collect or drain across roads and walks. Some small portions will have to be regraded to accommodate special recreation features, as, for instance, wading and bathing pools, tennis courts, baseball diamonds, etc.; but the work anticipated in this direction may be considered quite light in comparison with the extent of the project. In parts of the island volunteer trees have already grown to considerable heights; many of these trees can well be preserved and incorporated into the final development.

28. The plan presented herewith, while subject to further study when the execution of its details is undertaken, has been developed with great care. It has been prepared by an experienced landscape designer well versed in the handling and treatment of similar large projects elsewhere and has progressed under the supervision of the National Commission of Fine Arts, whose members have taken great interest in the successful outcome of the project. It has the approval of that body as a preliminary study.

29. Although the project embodies facilities for every anticipated modern recreation it does not present an extraordinarily ambitious scheme. Based on the experiences of other large cities it merely follows the installation of similar facilities already in successful operation in those cities.

ROADWAY.

30. The existing 30-foot circuit road running along the borders of the park will be available throughout, a few slight changes in its location being expected only at the site for the prospective boat harbor on the Washington Channel side and where the road passes beneath the railroad tracks in entering the park.

THE STADIUM AND VICINITY.

31. At the northeast corner of the grounds near the main entrance the plan provides for the erection of a U-shaped stadium, located in such a manner as to command a full view of the entire field, the river beyond, and in the distance the rolling hills of Virginia and Maryland. The stadium itself would be of sloping earthen banks, and will be inconspicuous from the White House and the Monument Grounds. Its central portion is to be equipped with fixed concrete seats, and would have an actual seating capacity of 6,000, while on the turf slopes of the two wings of the U-shaped structure, temporary wooden seats can be so placed as to accommodate a maximum seating capacity of 14,000. On special occasions when large crowds gather, temporary wooden seats can be placed at the open end of the stadium so as to expand this seating capacity to about 40,000. Passageways through the center of the stadium embankment would

Digitized by Google

approach the field from the railroad terminal at the rear of the stadium, and be arranged so as to give convenient space for locker rooms, toilet rooms, and like conveniences for players and spectators. Within the stadium angle lie the running track, one-third mile long, and a 220-yard straightaway dash, while its shape permits the games of baseball and football to be played before large audiences. At each end of the wings are permanently located football practice fields; these are in turn again adaptable to other sports when football is not in season.

THE PARADE GROUND.

32. The large parade ground of 60 acres which the stadium faces will conveniently accommodate 13 baseball diamonds. These are so disposed that all but two of them can be equipped with permanent backstops, while these two which are located in the center of the field can be supplied with easily removable backstops set in sockets so as not to interfere with other games when the space is needed. The great advantage of this arrangement is that the whole field can be cleared of players and their paraphernalia so as to be available on short notice for parades, tournaments, pageants, community festivals, holiday celebrations, in fact all the larger civic attractions and games so popular in recent years.

THE WADING POOL AND CHILDREN'S PLAYGROUND AND THE LARGE SWIMMING POOLS.

33. To the east of this large field and parade ground, set in a grove of overhanging trees, is located a children's wading pool of about three-fourths acre in extent. Such a feature has become very popular in other cities and should be installed as early as possible.

34. In an extension of this large grove would be located the various playground apparatus for the use of others of the younger element—swings, slides, sand courts, handball courts, adequate space for tossing ball, and for races and wrestling.

35. To the east and west of the wading pool there would be arranged capacious swimming pools, each pool having an area of about 1¾ acres in extent. They are to be constructed with sand beaches having a gradual increase from wading depth to a point opposite where a depth of about 20 feet of water will be available for diving. These pools will be supplied with filtered water, kept constantly purified by approved methods of treatment. The need for the wading and swimming facilities is probably more insistent at the present time than for any other form of outdoor recreation. The small municipal bathing beach in the Monument Grounds can accommodate only a small portion of those who wish to swim and soon will have to be removed. The use of the Tidal Basin is somewhat restricted, investigation having shown that the use of any local bathing place supplied by raw Potomac River water is to be avoided on account of its pollution. In all such bathing pools, whether municipally or privately owned, the greatest care has to be taken not only to supply the purest of water, but also to keep them clean

Digitized by Google

from contamination by constant effective treatment to prevent the development and spread of anything detrimental to the health of the community. Extended investigations into bathing facilities, both in this country and abroad, have shown the great danger of contamination by the spread of many diseases as a result of bathing in unclean water. In every case where an invitation is extended to the public to use bathing facilities a serious public duty is therefore involved to see that every precaution is taken to make the water fit from a hygienic point of view. The bacteriological condition of the water should closely approximate that of drinking water, as this is the standard that is being urged for all swimming pools.

36. Every effort would be made by proper equipment to have these pools unexcelled hygienically. It would be false economy to plan for them anything but the best and most modern approved equipment. By furnishing a safe and sanitary center for bathers in the city their installation will diminish the promiscuous and surreptitious bathing going on in the rivers and branches surrounding Washington, and without doubt will contribute materially to a decrease of diseases.

37. A pumping station containing apparatus for refiltration and for the chemical treatment of the water to be used will necessarily be installed in connection with the pools.

38. The two bathhouses, shown on the shores of the pools, are to contain the usual modern equipment for storage, locker room, shower baths, toilet and retiring rooms, and working quarters for the attendants.

BOATHOUSES AND HARBOR ON WASHINGTON CHANNEL SIDE.

39. A short distance south of the group of pools the plan shows an artificial indentation on the Washington Channel side of the island, which is intended for small boats. The water area in this indentation will be sufficiently large to give a safe and convenient landing and shelter for boats of moderate size. Provision for hire of boats, where patrons can rent rowboats, small sailboats, launches, or canoes for short periods, can be made near the railroad channel, and perhaps can be leased to concessionaires. The other boathouses are to afford space for the storage of the privately-owned small-sized water craft, such as canoes, shells, rowboats, and perhaps small motor boats, as well as for locker and rest rooms. The larger water craft above a certain prescribed size would necessarily be obliged to anchor in the channel, as they do at present, and take on passengers either from a float direct or by tender. At the southeast corner of this harbor there is to be an inclined way on which disabled boats may be hauled up for inspection or repair.

THE CROSS-PARK CANAL.

40. The beginning of the connecting waterway leading from the Washington Channel side to the Potomac River leads out from this basin. Upon its pleasant irregular turfed banks one can draw his canoe or boat to rest in passing. This feature, so attractive in some

Digitized by Google

large parks in other cities, gives a safe and agreeable playground for the oarsman and a convenient cut-off for those wishing to go up the river and having neither the time nor the desire to make the journey through the deeper water around the lower point of the park.

41. It is believed that this waterway will be one of the most popular points of attraction in the whole park.

THE MAIN FIELD HOUSE.

42. Opposite the center of the boat harbor and situated upon an inland elevation is to be located the main large field house. From this commanding situation its verandas will afford views of great beauty. To the rear and across the channel is the busy water front with its boulevard and modern keys, and farther back the white dome of the Capitol and the masses of the large Government buildings. In the front one looks out on the broad expanse of the Potomac, with the beautiful hills and fields of Virginia surmounting the opposite shores. The accommodations for players and spectators will include refectory provisions that are a necessary part of the modern facilities for the convenience of the public. The house will also be available for band concerts and dances and for meetings of all kinds.

SOME OF THE MAJOR RECREATIONS.

43. Grouped about the field house and within immediate view are the major recreations—31 tennis courts to the south singly and in pairs and some inclosed in shrubbery so the players may be more private if they so desire. Between them and the building are 4 basket-ball courts. To the north, immediately in the foreground, are 10 croquet and 3 roque courts. Directly in front of the central porch is the cricket ground, of about 4 acres in extent, and the main public golf course. The latter is so arranged that, in addition to an 18-hole course, one of 9 holes for amateurs is available. By taking advantage of the existing trees and those to be planted, portions of these courses are to weave in and about the groups of planting and groves of trees, presenting an appearance similar to the natural countryside so desirable in every golf course.

44. Nested in the area about one-third mile south of the field house and halfway the length of the island is a small lagoon. This lagoon will add greatly to the picturesqueness of the course and the general attractiveness and interest of the whole park. It offers the possibility of making it one of the most charming and beautiful spots in the scheme. It will also afford a safe and convenient skating pond in the wintertime.

45. Eight miles of artificial walks with shelters and seats commanding the best views will lead to the main attractions of the park and to the many natural vistas and landscapes.

46. For the lover of horses a soft road winds amongst the trees, and runs for a considerable distance beside a straightaway driving course of a half-mile length. Three miles of bridle paths skirt the shores.

Digitized by Google

TREATMENT OF THE POINT OF THE ISLAND.

47. At the southern end of the park a small channel is proposed so that those who may wish to take a short journey to the point by way of the water will have some shelter. On the small island so created, but connected to the main portion of the park with an appropriate bridge, will be a small shelter house equipped with toilet conveniences and refectory to accommodate the many visitors who even now make enthusiastic use of the motor roadway around the park. On this point an opportunity is also afforded for placing a suitable artistic memorial in such a way as to add a proper and natural feature to the landscape.

ACCESSIBILITY.

48. The question of making the park accessible has been given particular consideration. Compared with similar attractions in other cities, this park is already reached with comparative ease by reason of its close proximity to the more densely populated portions of the city. Street railway lines with terminals are planned so that in times of large gatherings 40,000 people can be handled without undue crowding, and ample space has been reserved for the storing and switching of the street cars. The railway traffic yard at the stadium is proposed to be served by the same tracks that extend to the boat harbor but which would not be used except on the occasion of the congregation of large crowds. These transportation features are, of course, subject to change in detail depending on the practicability of construction.

49. Private ferries are contemplated directly connecting the nearest points of the transportation lines serving the water front, probably at L, Water, and Seventh Streets, with that portion of the park having boating facilities on the artificial channel.

50. Ample provision for the parking of automobiles has been made not only at the lower end of the island but at the main field house and the boathouses, these points being the most important places where such parking facilities are necessary. The space reserved for parking near the railroad stadium will accommodate more than 300 automobiles, and is so arranged in conjunction with the railroad terminals that automobiles can come in at one end and out at the other without crossing the railroad tracks. At the point near the boat harbor, where the railroad terminus and ferry come together, appropriate accommodations are planned for large numbers of "jitney" and motor busses; it is believed that great numbers of such service vehicles will be available as soon as visitors commence to make use of the park and its facilities, and that these would likely take care of the demand for transportation for a few years until the work on the major improvements has advanced sufficiently for providing for better facilities.

ESTIMATE OF COST OF IMPROVEMENTS PROPOSED.

51. It is estimated that the total cost of improving the park complete with all its features installed will closely approximate one and one-half million dollars. It is planned to distribute this total cost over a progressive period of construction of about 10 years, which

Digitized by Google

would require annual appropriations of about $100,000. The following is a rough estimate of the improvements proposed, based on the preliminary plan and according to data obtained regarding the cost of similar features elsewhere. Not until detailed working drawings are prepared for the various individual features could a more definite statement of cost be made.

Approximate preliminary estimate of cost.

5,500 feet of oil-macadam roads for all kinds of traffic		$33,349
7,920 feet of soft dirt roads for driving only		10,000
3,000 feet of dirt straightaway for horses		11,000
5,000 feet of curbs		4,000
12,000 feet of macadam walks		30,000
3,200 feet of dirt saddle paths		4,000
Stadium:		
125,000 cubic yards earthwork	$75,000	
63,000 square feet roadway	7,000	
3 tunnels	5,600	
2 toilets	5,000	
Concrete seats	18,000	
		110,600
4,120 feet cinder mixture running track, including 220-yard dash		5,830
13 ball fields, including 52 bases and 13 back stops (not including general grading)		2,000
1 football fields (not including general grading)		1,000
2 swimming pools, 1¼ acres each:		
Grading	$50,000	
Sand	20,000	
Fence	7,500	
Concrete sides and bottom	40,000	
		117,500
1 wading pool, one-half acre:		
Grading	968	
Sand	1,209	
Concrete coping	1,000	
		3,177
Golf courses (in addition to general grading)		2,400
Golf lake, grading and shaping		7,200
21 tennis courts, of clay		7,250
Wire inclosures for tennis courts, including gates		7,275
25 wooden shelters at tennis		8,750
4 basket-ball courts, clay surface		1,000
10 croquet courts, clay surface		1,000
16 wooden shelters at croquet and roque courts		4,800
4 roque courts, clay surface, plank cushions		1,000
Sea walls at boat harbor and bridges		26,000
Cross canal and boat harbor excavation		81,000
Harbor piers and breakwater of wood and piles and plank		5,500
Pump house of tile and stucco		8,000
Machinery (pumps, filters, boiler, etc., for purifying and renewing water in pools)		50,000
2 bathhouses of tile and stucco		90,000
Fittings and equipment, such as plumbing, lockers, etc		30,000
2 ferry houses of tile and stucco		25,000
Railway terminals of tile and stucco		10,000
2 large boathouses of tile and stucco		30,000
Boat landings, floats, and bridge		2,500
4 small boathouses of tile and stucco		20,000
1 field house of tile and stucco, complete, with all plumbing, lockers, etc		200,000
1 carriage shelter of tile and stucco		10,000
1 pergola of stove brick and wood		4,000
1 footbridge of cement, with stone face		9,000
2 driveway bridges of cement, with stone face		60,000

Digitized by Google

300 acres grading and seeding	$1
Trees and shrubs	
Sewage disposal by septic tank system	
Rain-water drains	
	1,2
Engineering, supervision, contingencies, etc	2
Total	1,4
If a sea-wall rail is used add (3 rail wrought steel pipe)	
Total	1,5

52. Washington in 1860 had a population of 75,080; in 131,700; in 1880, 177,624; in 1890, 230,392; in 1900, 278,718 in 1910, 331,069; an increase of an average of more than 51,00 decade during the past 50 years. It will not be many years the city has reached the 500,000 mark, and a look into the based upon the growth of the past 100 years will show the C City of the Nation exceeding the 1,000,000 mark. It is eviden some start along large lines should be made without delay in m the demands for recreation of a constantly increasing comm The completion of the project outlined above will go far t meeting the situation, and will place the city in favorable comp with other large municipalities, both in this country and abr

WM. W. HARTS,
Colonel, United States Ar

O

Digitized by Google

ENGRAVED AND PRINTED BY THE U.S. GEOLOGICAL SURVEY

House Doc. 1038; 64th Cong., 1st Sess.

Digitized by Google

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 1053.

PREMIUM PAYMENTS IN GOVERNMENT EMPLOYMENT.

LETTER

FROM

THE SECRETARY OF WAR,

SUBMITTING INFORMATION RELATIVE TO TIME STUDIES AND PREMIUM PAYMENTS IN GOVERNMENT EMPLOYMENT.

APRIL 22, 1916.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington, April 20, 1916.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

DEAR MR. SPEAKER: There is pending in the House of Representatives a bill (H. R. 8665) introduced January 11, 1916, to regulate the method of directing the work of Government employees, the object of which is to prohibit at the Government arsenals what are known as time studies and premium payments. Similar legislation to that which is carried in the bill was enacted on the Army appropriation bill which was passed at the last session of Congress, in the form of a prohibition of the payment from funds appropriated in the act of the salary of any person engaged in making or directing time studies or of any premium. There is therefore apparent the possibility of similar legislation at the present session, either in the form of a separate act or in the form of a restrictive prohibition upon an appropriation act. I think that such legislation would be unwise.

The time study referred to may be defined as a method of ascertaining by careful observation and study in connection with a timing process the most advantageous manner in which a given piece of work can be done, and also the time in which it can reasonably be expected to be done by following this best manner. The premium is an extra cash compensation which is paid to a workman for accomplishing the work in this reasonable time, or for approaching the time within certain rather liberal limits, the compensation being in addition to the regular wages of the workman, which are not disturbed, and depending in amount upon the degree to which he approaches the reasonable time which has been ascertained. The timepiece is used only in the study of a new job, for the purpose of working it out

Digitized by Google

properly and for assigning the proper time for its performance. It is not held over a man for the purpose of ascertaining whether he is working industriously, and its employment is of less and less frequency as information is accumulated which makes special study unnecessary. The premium is the workman's share of the economy which is effected by the system.

This system has now been in practice in the Ordnance Department for something like five years. At the place at which it has been most fully put into effect, the Watertown Arsenal, Mass., it has resulted in very substantial economy of production and in a material increase of the earnings of the employees. The last monthly report from the arsenal indicates that the total amount paid in premiums during that month was $3,315.61, which was earned by 311 employees, an average of about $10.66 each. The total number of mechanics and workmen at the arsenal was 554, of which approximately 56 per cent worked during the month on premium jobs. The total pay roll of the arsenal for the month was $45,250.85, of which amount it therefore appears that slightly over 7.32 per cent was paid in premiums. The premiums are in addition to the day wages of the employees, which are regulated in accordance with those of the vicinity for work of similar character to that done at the arsenal. During the five years that the system has been in operation at the arsenal neither the day wage nor the number of employees has diminished, but the amount of work done and the average earnings have increased in an important degree.

The legislation which is being urged upon Congress is advocated by organized labor, which is opposed to the system intended to be prohibited for the essential reason which is embodied in the charge that it is a speeding-up system. I can not understand this charge as having any other meaning than that the work required of the employees by the system is unduly severe. Of the truth of this charge in the practice of the system at the Watertown Arsenal there is no evidence whatever, but there is a good deal of evidence the other way. There is no complaint of overwork at the arsenal, and no workman has been discharged because of failure to meet the requirements of the system. To prohibit the system of which the records show undoubted advantages both to the Government and to the employees because of a charge unsupported by evidence, or even by any attempt at evidence—for there has been no effort to prove overwork at the Watertown Arsenal—seems to me to be most unwise.

There has been no investigation at the Watertown Arsenal which has resulted in a report condemnatory of the practice at that establishment. This department has endeavored to secure an investigation and report from the Federal Commission on Industrial Relations, created by the act of August 23, 1912, and that commission employed a committee which did make a very thorough investigation. Neither the commission nor its committee, however, made any mention of the Watertown Arsenal in its report, but both of these bodies confined themselves to a general discussion of the relations of scientific management and labor largely as a social question. The commission was not able to agree, and conflicting reports were made by groups of its membership. The report of the special investigation committee has not been made public, but the substance of it is understood to

Digitized by Google

be contained in a book entitled "Scientific Management and Labor," by the chairman of the committee, which leaves the subject of scientific management in its general practice in shops which have introduced it still open to discussion. The only investigation at the Watertown Arsenal of which the result has been published in a report is that which a special committee of the House of Representatives made some four years ago, and as a result of which the committee recommended that there should be no legislation upon the subject. There have been expressions from the employees at the Watertown Arsenal both for and against the system. There are evidences that at least some of the expressions against it have come from representatives of organized labor, but I am persuaded that this opposition proceeds from a mistaken theory; for while it is obviously true that a piecework system in which the pay of the employees is based solely on a piece price, and high-speed machinery is used to drive operatives harder than is consistent with their physical and nervous welfare, is objectionable, it is equally true, in my judgment, that the system above described as operative in the Watertown Arsenal is not open to either of these objections. The Government surely should not be denied the opportunity of securing efficient work from its employees without an investigation of the facts which would justify the action proposed to be taken.

All of my predecessors in the office of the Secretary of War who have held that office since the introduction of the system at the Watertown Arsenal have been in favor of its retention and have opposed efforts to abolish it. I have been in this office too short a time to have had an opportunity to visit the arsenal or to familiarize myself thoroughly with the details of the practice at that establishment, but I have long been interested in both aspects of the problem presented and do not feel that I am an entire stranger to the controversy merely because of the recentness of my contact with this particular application of it.

The relation between fatigue and efficiency is being widely studied, and in some of the European countries astonishing statistical demonstrations of the effect of speeding-up processes have already been obtained. There can be no question that the whole nervous and physical system of the operative is imperiled, and his strength, as a part of the national strength, decreased, if he is either urged or induced to work beyond a sound physiological maximum. On the other hand, inefficient production is bad for the operative. It is always bad for a man not to do his best, not to make the most of his opportunities and of his labor, and to produce less than he can under a system of proper inducements and compensations. It is bad for the national life, for its industrial efficiency, and for its squareness to have its component parts, whether they be operatives in an industrial plant, professional men, or public officers, turning into the aggregate either a product so excessive that it represents a deterioration in their physical and nervous strength, or a product so insufficient as to represent less than their honest and safe best. To strike the happy mean involved in these statements is, of course, difficult, but at the Watertown Arsenal we seem to have made a fair approach to it. The wages paid to our operatives as a flat rate, irrespective of their response to the time system, is the current rate of the community for similar work, and in addition to that, premiums are offered, not

Digitized by Google

large, but large enough to stimulate continuous and faithful activity. So far as I know, there is not a case on record at Watertown since the introduction of this system of a nervous breakdown or physical exhaustion due to excessive work, nor is it claimed that the operatives in that plant, protected as they are against long hours by a wise eight-hour provision, are in any sense driven or hurried beyond a fair and safe limit.

As I am not in any sense personally responsible for the work which has been done at the Watertown Arsenal, I can be permitted to say that in my judgment it represents an achievement of which both the legislative and executive branches of the Government can be justly proud. The reproach is often made that the public can not conduct an economical and efficient industrial enterprise, but no such charge can be brought against the Watertown Arsenal, and I think it would be a grave misfortune to the public service and to the employees of the Government there engaged if any action were taken prejudicial to the system which is working so well, without a special investigation at the arsenal itself which would make a comprehensive study of the results of the system, both in output and upon the operatives. Similar studies have been made in other places; there are a great many experts who know exactly how to make such studies, and the information presented by them could be weighed and proper value given it in determining a future policy.

Sincerely, yours,

NEWTON D. BAKER,
Secretary of War.

O

Digitized by Google

HOMESTEAD OF ABRAHAM LINCOLN

SPEECHES

IN THE

HOUSE OF REPRESENTATIVES

APRIL 5, 12, 1916

ON A BILL TO ACCEPT A DEED OF CONVEYANCE FROM THE LINCOLN FARM ASSOCIATION TO THE UNITED STATES OF THE HOMESTEAD OF ABRAHAM LINCOLN, NEAR THE TOWN OF HODGENVILLE, STATE OF KENTUCKY

WASHINGTON
GOVERNMENT PRINTING OFFICE
1916

Digitized by Google

[H. Res. 200, Sixty-fourth Congress, first session.]

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
April 12, 1916.

Resolved, That the speeches delivered on H. R. 8351 and the bill in relation thereto, accepting from the LINCOLN FARM ASSOCIATION title of the farm on which ABRAHAM LINCOLN was born, be printed as a House document, ten thousand copies to be distributed among the Members equally through the folding room.

Attest:

SOUTH TRIMBLE,
Clerk.

Digitized by Google

CONTENTS.

	Page.
Resolution of authority to print	2
Act (H. R. 8351) accepting deed of conveyance	5
Preliminary proceedings in the House	7
Remarks by—	
Mr. McKinley, of Illinois	11
Mr. Fess, of Ohio	15, 75
Mr. Clark, of Florida	19
Mr. Eagle, of Texas	21
Mr. Rainey, of Illinois	25, 89
Mr. Crisp, of Georgia	29
Mr. Foster, of Illinois	33
Mr. Cannon, of Illinois	39
Mr. Sherwood, of Ohio	55
Mr. Smith, of Minnesota	61
Mr. Hicks, of New York	65
Mr. Russell, of Missouri	69
Mr. Sloan, of Nebraska	71
Mr. Switzer, of Ohio	77
Mr. Dale, of Vermont	79
Mr. Barkley, of Kentucky	83
Mr. Madden, of Illinois	97
Mr. Harrison, of Mississippi	107

Digitized by Google

Digitized by Google

64th Congress, 1st session.

H. R. 8351

AN ACT

To accept a deed of gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of America, of land near the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of ABRAHAM LINCOLN and the log cabin in which he was born, together with the memorial hall inclosing the same; and further, to accept an assignment or transfer of an endowment fund of $50,000 in relation thereto.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States of America hereby accepts title to the lands mentioned in the deed of gift or conveyance now in possession of the President of the United States of America, together with all the buildings and appurtenances thereon, especially the log cabin in which ABRAHAM LINCOLN was born and the memorial hall inclosing the same, which deed or conveyance was executed on the day of , nineteen hundred and thirteen, by the Lincoln Farm Association, a corporation, to the United States of America, describing certain lands situated near the town of Hodgenville, county of Larue, State of Kentucky, which lands are more particularly identified and described in said deed or conveyance. The title to such lands, buildings, and appurtenances is accepted upon the terms and conditions stated in said deed or conveyance, namely: That the land therein described, together with the buildings and appurtenances thereon, shall be forever dedicated to the purposes of a national park or reservation, the United States of America agreeing to protect and preserve the said lands, buildings, and appurtenances, and especially the log cabin in which ABRAHAM LINCOLN was born and the memorial hall inclosing the same, from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, so far as may be; and further agreeing that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation.

Digitized by Google

SEC. 2. That the United States of America hereby also accepts title to the endowment fund of $50,000 mentioned in the assignment and transfer, now in the possession of the President of the United States of America, which assignment and transfer was executed on the day of , nineteen hundred and thirteen, by the Lincoln Farm Association, a corporation, to the United States of America, transferring and turning over all its right, title, and interest in and to said endowment fund, heretofore invested in certain stocks, bonds, and securities held and owned by the Lincoln Farm Association, and more particularly identified and described in said assignment and transfer. The title to said endowment fund is accepted upon the terms and conditions stated in said assignment and transfer, namely, that the United States of America shall forever keep the said tract of land described in said deed, together with the buildings and appurtenances thereunto belonging, dedicated to the purpose of a national park or reservation, and that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation; and further, shall forever protect, preserve, and maintain said land, buildings, and appurtenances, and especially the log cabin in which ABRAHAM LINCOLN was born and the memorial hall inclosing the same, from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, as far as may be, as a national park or reservation.

SEC. 3. That the President of the United States of America and the Secretary of War are hereby authorized to execute, in the name of the United States of America, such instrument or instruments as may be or may become necessary to comply with or carry out the terms and conditions of such gift or gifts and to secure the full benefit therefrom.

SEC. 4. That upon the passage of this act and the vesting of the title to the property accepted thereunder in the United States, it shall be under the control of the Secretary of War and administered under such regulations not inconsistent with law as he may from time to time prescribe.

Passed the House of Representatives April 12, 1916.

Attest:

SOUTH TRIMBLE,
Clerk.

Digitized by Google

HOMESTEAD OF ABRAHAM LINCOLN.

SPEECHES IN THE HOUSE OF REPRESENTATIVES APRIL 5 AND 12, 1916, ON BILL TO ACCEPT DEED OF CONVEYANCE FROM LINCOLN FARM ASSOCIATION TO THE UNITED STATES.

The SPEAKER. The Clerk will call the committees.

Mr. CLARK of Florida (when the Committee on the Library was called). Mr. Speaker——

The SPEAKER. Is the gentleman making a report from the Committee on the Library?

Mr. CLARK of Florida. Yes, sir; I desire to call up the bill H. R. 8351.

The SPEAKER. The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 8351) to accept a deed of gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of America of land near the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of ABRAHAM LINCOLN and the log cabin in which he was born, together with the memorial hall inclosing the same; and, further, to accept an assignment or transfer of an endowment fund of $50,000 in relation thereto.

The SPEAKER. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 8351, a bill to accept a deed of gift to homestead of ABRAHAM LINCOLN, with Mr. Barnhardt in the chair.

Mr. CLARK of Florida. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. CANNON. I think, Mr. Chairman, that the bill had better be read.

The CHAIRMAN. Does the gentleman object?

Digitized by Google

Mr. CANNON. I do. I think it should be read.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the United States of America hereby accepts title to the lands mentioned in the deed of gift or conveyance now in possession of the President of the United States of America, together with all the buildings and appurtenances thereon, especially the log cabin in which ABRAHAM LINCOLN was born and the memorial hall inclosing the same, which deed or conveyance was executed on the — day of ——, 1913, by the Lincoln Farm Association, a corporation, to the United States of America, describing certain lands situated near the town of Hodgenville, county of Larue, State of Kentucky, which lands are more particularly identified and described in said deed or conveyance. The title to such lands, buildings, and appurtenances is accepted upon the terms and conditions stated in said deed or conveyance, namely, that the land therein described, together with the buildings and appurtenances thereon, shall be forever dedicated to the purposes of a national park or reservation, the United States of America agreeing to protect and preserve the said lands, buildings, and appurtenances, and especially the log cabin in which ABRAHAM LINCOLN was born and the memorial hall inclosing the same, from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, so far as may be; and further agreeing that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation.

SEC. 2. That the United States of America hereby also accepts title to the endowment fund of $50,000 mentioned in the assignment and transfer, now in the possession of the President of the United States of America, which assignment and transfer were executed on the — day of ——, 1913, by the Lincoln Farm Association, a corporation, to the United States of America, transferring and turning over all its right, title, and interest in and to said endowment fund, heretofore invested in certain stocks, bonds, and securities held and owned by the Lincoln Farm Association, and more particularly identified and described in said assignment and transfer. The title to said endowment fund is accepted upon the terms and conditions stated in said assignment and transfer, namely, that the United States of America shall forever keep the said tract of land described in said deed, together with the buildings and appurtenances thereunto belonging, dedicated to the purpose of a national park or reservation, and that there shall never be any charge or fee made to or asked from the public for admission to the said park or reservation; and, further, shall forever protect, preserve, and maintain said land, buildings, and appurtenances, and especially the log cabin in which ABRAHAM LINCOLN was born and the memorial hall inclosing the same, from spoliation, destruction, and further disintegration, to the end that they may be preserved for all time, as far as may be, as a national park or reservation.

Digitized by Google

SEC. 3. That the President of the United States of America and the Secretary of State are hereby authorized to execute, in the name of the United States of America, such instrument or instruments as may be or may become necessary to comply with or carry out the terms and conditions of such gift or gifts and to secure the full benefit therefrom.

Mr. CLARK of Florida. Mr. Chairman, I desire to yield to the gentleman from Illinois [Mr. McKinley] such time as he may desire.

The CHAIRMAN. The gentleman from Illinois [Mr. McKinley] is recognized.

Digitized by Google

Digitized by Google

REMARKS BY MR. McKINLEY, OF ILLINOIS

Mr. Chairman, some 8 or 10 years ago a number of citizens of Kentucky and others scattered over the United States formed an association for the purchase of the farm and log cabin in which ABRAHAM LINCOLN was born, located 2¾ miles from Hodgenville, Ky.

Mr. Chairman, the report of the committee covers the matter very fully, and I will ask that the Clerk read the report.

The CHAIRMAN. The Clerk will read the report.

The Clerk read as follows:

[House of Representatives, Report No. 221, Sixty-fourth Congress, first session.]

TO ACCEPT DEED OF GIFT TO HOMESTEAD OF ABRAHAM LINCOLN

Mr. McKinley, from the Committee on the Library, submitted the following report, to accompany House bill 8351:

The Committee on the Library, to whom was referred House bill 8351, having considered the same, now reports it back to the House with the recommendation that it do pass.

The purpose of the bill is to authorize the United States to accept as a gift not only the cabin in which ABRAHAM LINCOLN was born, but, in addition thereto, the farm upon which he was born; and, also, an endowment fund made up as follows: $44,000 (par value) city of Louisville, Ky., 4½ per cent bonds, due in 1951; $2,000 (par value) city of Louisville, Ky., 3 per cent bonds.

The present market value of these bonds is nearly $50,000.

A magnificent marble memorial hall has been erected and incloses the cabin which stands near the spring, where it stood when LINCOLN was born.

On the farm is a substantial residence and other buildings, occupied by the superintendent of the farm. The farm comprises about 137 acres.

Those who have saved the homestead of LINCOLN from the ownership of those who might have exploited it for commercial purposes have also saved the log cabin in which he was born, and have inclosed it in the Memorial Hall, which will forever preserve it from decay. They have also cleared the farm of brush and undergrowth, have rebuilt boundary fences, have made a beautiful park immediately around Memorial Hall, and have endowed the farm with a fund sufficient to maintain it. Having done all this, they feel that they have fulfilled their undertaking, and now suggest that the Nation take it over as a gift, and see to it that LINCOLN'S birthplace is preserved for all future generations.

Already thousands of people from all over the country visit the place every year. It is anticipated that future years will see this number become multiplied over and over.

Digitized by Google

The property has an income of more than $2,000 a year from the endowment fund alone and is self-sustaining.

The present holders of the fee simple title have executed a deed of conveyance, in fee, to the United States, which is held by the President pending the passage of this bill.

The committee most earnestly recommends the passage of this bill. In fact, it is hoped that it may be unanimously adopted.

Mr. Chairman, it has always seemed to me almost a blessing that, because of the necessities of LINCOLN'S parents, so many of us could have received inspiration and encouragement from a sort of neighborliness to the scenes of his early struggles. I have always been glad and proud that I was born within a mile of old Salem, where young ABRAHAM LINCOLN lived and worked and studied and loved. He went to central Illinois at the age of 21 without trade or profession, without money or influence, without a patron or friend, and there began his real career—a career not equaled in all history. There he began his first profitable work; there he began his political trend; there he began his earnest study of law and history and statecraft and men; there he gave his first love and met his first great sorrow. When the young and gracious Ann Rutledge was taken by death, brought on by a shadow of a former love, LINCOLN'S great heart went out in his own sadness and loss, and no doubt the sweet nature of his life found its birth where, as he himself said, his heart was buried. But deep as was his grief he set out with an indomitable will to master every obstacle.

History has recited the progress of our immortal statesman and you are all familiar with the names of his associates, McClernand, Stuart, Hay, Ninian and Ben Edwards, Dr. Jayne, Judge Logan, and others to whose talk I listened when a boy. I need not say that all this is the fondest memory of my life, and I allude to it as an illustration of the wealth of aspiration ever possessed by the youth of our land in the wonderful and mighty example given us by young LINCOLN as he fought the battles of early manhood. In all history there is no parallel to the greatness that came from such lowliness, save in the life of our Redeemer. No one could have had a more humble birth than LINCOLN; no one could have had a more obscure childhood; no one could have had such early struggles of body,

Digitized by Google

mind, and soul as did the LINCOLN who afterwards became one of the most illustrious characters of all the ages.

Every monument and temple and highway dedicated to his name bears witness to his nature, his character, his courage, and his achievements. His life path, began in such simplicity, merged into a bravery that knew no disheartening and that carried him to sublime heights of glory. We do well, then, to continue to honor him and to keep fresh the memory of the various stages of his life's progress from birth to the grave.

By industry and honesty, through hardship and suffering, in peace and in war, ABRAHAM LINCOLN made for himself and for us the most glorious pattern of all humanity. His birthplace will now, more than ever, become a mecca of American youth and their elders, and we can rejoice, indeed, that in the wisdom of Providence there has been given us for example and recital such illustration of the possibilities of attainment from poverty and lowliness. With LINCOLN as a guide there should be no failure, no discouragement, no giving up of purpose and attempt. All can not reach the same heights, but all can, as LINCOLN did, try for the best that opportunity, diligence, and undaunted zeal afford. He was given to us not only for the performance of his tasks, not only for the results of his wondrous mind, but for the influence that must ever come from such an example of all that goes to make useful citizens, masterful men, and helpful comrades. In every element that goes toward the molding of the highest and best characteristics that serve in the mightiest purposes of life, LINCOLN will ever stand out clear and distinct, not only as a foremost American but as a leader of all humanity.

Our eulogies and tributes, our memories and monuments, can never repay our debt to ABRAHAM LINCOLN. But they do and will serve to keep first in the minds and hearts of our people his sweet and tender nature, his sturdy, rugged will, his persistent and successful struggles, and the splendid example to each and all of us who love to turn to his life work and learn a devotion to duty and right that can well be emulated by all.

Mr. CLARK of Florida. I yield to the gentleman from Ohio, Mr. Chairman, 10 minutes.

The CHAIRMAN. The gentleman from Ohio [Mr. Fess] is recognized for 10 minutes.

Digitized by Google

Digitized by Google

REMARKS BY MR. FESS, OF OHIO

Mr. Chairman, there is no sentiment that could stir the hearts of America more than a sentiment in honor of the memory of ABRAHAM LINCOLN, and I know of no occasion when that sentiment expressed would be more appropriate than upon the occasion of the offer of this property as a gift to the National Government, to care for it.

Some men place themselves in history by what they say, others by what they do, and still a few others by what they both say and do. I have thought that the author of "Sartor Resartus" never need to have done anything to have placed himself in history. The same might be said of the author of the "Pickwick Papers," or of the author of "Julius Cæsar," and the "Merchant of Venice." Then, on the other hand, a man who has accomplished what such men as Edison have done would never need to add to his accomplishments by anything that he might say, for he would be remembered, not by what he said, but by what he did.

But in the case of ABRAHAM LINCOLN, he fixes his place in history by what he has said and also by what he has done. The man who said "A house divided against itself can not stand," probably said what would fix for him a permanent place in history; or "Broken by it I, too, may be, but bow to it I never will," that would also have given him a place in history; or when he said "Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away," or when he said "With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us go on with this work," he uttered statements that would permanently fix his place in history. These are but few of many that might be recalled, any one of which is significant in historical meaning. But when we add to those beautiful deliverances some things that he did, we have additional grounds for assigning him a great place in history.

Digitized by Google

Our Capital City of Washington will always be remembered as the place of his greatest utterances and his greatest deeds. The sixties will be the time to which the historian will hark back for LINCOLN'S achievements. History will deal most widely with him as the great President, the war President. Emancipation will be recorded as his greatest victory for human rights. The preservation of the Union must be written down as his crowning glory. But we to-day will turn back in our mind, away from the Capitol at Washington, away from the sixties in time, away from civilization as we knew it in the city and in the older countries, to the realm of the pioneer, to the State of Kentucky, that had only recently been settled. We turn away from the time and place of his notable utterances and famous achievements to the then unknown western country. We will think not so much to-day of the distinguished citizen as of the babe in the State of Kentucky; not so much of the head of the grandest Republic on earth as of the child of the wilderness; not so much of the famous emancipator as of the boy stricken with poverty; not so much of the preserver of the Union as of the one with universal inspiration to every boy and girl of America. We are looking from here, the seat of power and the arena of influence, back to those days of sorrow and impotence; and if to-day we could transplant ourselves back in Kentucky to the year of 1809 and had the vision to peer into the future so as to see the road that he traveled, what a vision of opportunity would open to us.

Mr. Chairman and fellow Members of the House, I think it is a beautiful occasion that while we are concerned about his achievements for humanity we here and now choose for a moment to dwell upon those early days, that we fix his beginning as well as emphasize his ending, and instead of thinking too frequently of the White House which he occupied, think more often of the log cabin in which he was born. It is the boyhood time rather than the manhood that appeals to us to-day.

Here is a proposition that gives us the opportunity to dwell upon the childhood, upon the poverty-stricken family; it has to do with his birthplace, where he lived the first seven years of his life, the farm over which his parents trod and on which

Digitized by Google

they labored; and I know of no picture so touching as when the little family of four left this home and started for the Ohio River, which they crossed and went beyond 17 miles, there, together—the father, the mother, the little brother, and the sister, two years his elder—built the little cabin in the woods with their own hands, a cabin of but three sides, in which they dwelt that first year. This picture of privation loses its sting in the wonderful years of opportunity soon to open to the boy of that small group.

It is to those early days that our hearts naturally hark back at this time when there is here presented by our colleague, a distinguished son of Kentucky, the Representative of the district in which is located his birthplace, this opportunity to receive this gift. As a Member of this Congress, I desire to offer my vote of congratulation and gratitude to the State that gave the Nation its LINCOLN and which now proposes to donate to it his birthplace as a perpetual memorial to his memory. This contribution, not so much from the State as the people in the State, is by this proposed resolution the most recent effort to make it possible that the Nation itself might preserve the beginnings of the life of America's greatest citizen.

I look upon him as the first, the last, the best, the greatest in comprehension, the broadest in statesmanship, the sweetest in disposition, and the deepest in humanity of all this western world. And while history will care for his memory, and while, in the words of Stanton, his great Secretary, "he now belongs to the ages," it is a beautiful thing for this Congress to do what will prevent our forgetting his beginnings. His ending in being a great statesman will always be commemorated. His career is secure. His achievements are common knowledge. Their brilliancy must not blind us to the unpromising beginnings. This proposition will connect his greatness as he left us with the simple beginning of his life and will help to refresh the future generations with the inspiration of American opportunity. For that reason I want to speak my favor of the reception of this gift by those whose hearts are filled with gratitude toward the memory of this great man. [Prolonged applause.]

Digitized by Google

Digitized by Google

REMARKS BY MR. CLARK, OF FLORIDA

Mr. Chairman, it was with a great deal of pleasure that I voted in the Committee on the Library to report this bill favorably to the House, and I want to state that it was an absolutely unanimous report.

We are now constructing within the city of Washington a great memorial to the memory of Mr. LINCOLN. Out in Illinois—at Springfield, the capital of the State—stands a great monument to his memory. It is proposed by this bill to preserve for future generations the place of his birth. The honor to be done this great man would not be complete, it seems to me, without some such action as this. I am glad that this bill is here, and trust that there will be an absolutely unanimous vote for it. I want to say that it augurs well for this great Republic that the man who introduced this bill, who has been furthering its progress before the committee and upon this floor [Mr. Johnson of Kentucky], is the son of the man who raised the first Confederate flag that fluttered in the breezes of Kentucky. [Applause.] This action bespeaks more emphatically and more strongly than any language could the fact that we are an absolutely united people, under one flag, with one country, and all of us loving to do honor to the memory of ABRAHAM LINCOLN. [Applause.]

Mr. Chairman, I now yield 10 minutes to the gentleman from Texas [Mr. Eagle]. [Applause.]

Digitized by Google

Digitized by Google

REMARKS BY MR. EAGLE, OF TEXAS

Mr. Chairman, it will afford me sincere pleasure to vote for this measure, by which the United States will accept a deed of gift for the land upon which and the humble log cabin in Kentucky in which ABRAHAM LINCOLN was born.

All of my life I have lived in the far South. All of my life I have heard and shared those sentiments of tenderness, of devotion, and of reverence which all of my people feel for the heroes of the "Lost Cause." That sentiment which has more profoundly touched my spirituality, in pathos and in tenderness, than any other sentiment has been the beautiful devotion of the thinning ranks of the Confederate armies and of their families and descendants, for the memory of the time when they risked life, fortune, and everything that life holds dear, excepting honor and their sense of duty for a cause that went down honorably in gloom and defeat upon the field of war. And yet throughout my blessed Southland everywhere, among the noble men and glorious women who make up that chivalric and beautiful civilization, never in my life have I heard any sentiment except one of admiration and sympathy for the martyred ABRAHAM LINCOLN. [Applause.]

It is a happy occasion of rejoicing that no longer, as in the days of our fathers, is there any estrangement or any bitterness. I rejoice with men in this Chamber from every section of this glorious Union that now there is peace not only in fact but mutual sympathy and fellowship as well, and that in the future there will be no patriotism limited alone to North or South or East or West, and that everywhere we feel the same common devotion to the same flag and the same aspiration for the glory of a common country. [Applause.]

Many years after the Civil War, when Jefferson Davis had been denied citizenship because as President of the fallen Confederacy he had been but the spokesman and chosen leader for many millions of people, when he had never once opened his

Digitized by Google

mouth to speak in public and had during the 20 years after the war never once written or said publicly or privately one word of bitterness concerning that tragic time, a meeting was held in his honor in Jackson, Miss., where a veteran of the lost cause, upon either side of the tottering, venerable, and beloved old man, helped him up the steps of the capitol in the midst of a throng of tens of thousands of men, women, and children who held his name in veneration. They said, "Mr. Davis, at least once before you pass away let your people hear your voice again." For once he broke his silence, and he said in substance simply this: "My friends, I am legally an alien in the land of my birth, but I thank God that I yet live in the affectionate hearts of my devoted countrymen."

It was a scene the like of which rarely has been witnessed upon this earth, where men and women and little children by the thousands wept as if their hearts would break. Throughout the years of his life after the war Jefferson Davis was everywhere in the South treated with veneration. When, in death, his body was conveyed to its final resting place in Richmond, the people gathered along the route at the farms, villages, and cities, and, without flags or cannon for salute, still paid him reverence with silent forms, bared heads, and eyes dimmed with tears. And when you men of the North come to realize that a people as tremendous in their emotional nature, as intensely convinced in their judgment as the southern people in their mass were convinced that they were right, can yet with a loyalty undivided remain happy and contented and patriotic citizens of a reunited country, contributing the best there is in them to a common cause, and can without division pay affection and devotion and admiration and reverence to the martyred President, ABRAHAM LINCOLN, who led the other side of that controversy, you and your people should always have respect and affection for our glorious southern people and civilization. [Applause.]

I believe that in all history the two lives which, written upon paper or recited as tradition, excite the most interest are Napoleon Bonaparte and ABRAHAM LINCOLN. Since I was a little boy, born and reared over in the backwoods of Kentucky,

Digitized by Google

and since as a young man of 17 I moved out to Texas, there has never been a time when the life and the story and the tragedy, the pathos and the humor of ABRAHAM LINCOLN have not fascinated me. [Applause.] As the years come and go, and more and more clearly men are able properly to estimate his mind and character, the name and fame of ABRAHAM LINCOLN will be more and more secure in that sacred hall of world fame where only the towering figures of history dwell. [Applause.] And in the Nation he helped so largely to preserve, now the blessed heritage of ourselves and our children and our children's children, his great spirit will always live as an inspiration to guide its life toward that noble destiny of freedom and happiness which was the dream of our fathers when they set it upon its noble career. [Long-continued applause.]

Mr. CLARK of Florida. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. Rainey].

Digitized by Google

Digitized by Google

REMARKS BY MR. RAINEY, OF ILLINOIS

Mr. Chairman, I am glad to have the opportunity to vote for this bill. It is appropriate that the birthplace of ABRAHAM LINCOLN in a Southern State shall be preserved by the National Government for all time to come. The long journey the boy LINCOLN undertook when he left this Kentucky farm ended finally at the village of New Salem, Ill., in the congressional district I have the honor now to represent. To the boy LINCOLN and to those who surrounded him and influenced his early career there came in the beginning of the last century the call which came to the South and to the East alike, the call of the West.

> To the West, to the West, to the land of the free,
> Where the great Mississippi rolls down to the sea,
> Where a man is a man if he is willing to toil,
> And the humblest may share in the fruits of the soil.

Following this call of the West, LINCOLN finally, after years of travel, in the early part of the year 1830 reached the frontier village of New Salem, on the Sangamon River, and he spent there the formative years of his life. The village disappeared long ago, but some time I hope to see established on the beautiful bluff along the river, where New Salem stood, another national park, and I hope to see a real LINCOLN highway following the route he took, connecting the place of his birth, in the State of Kentucky, with the spot where he spent the formative years of his life, in the State of Illinois, and where his great career commenced.

At the time the call of the West came to the boy LINCOLN the call of the West reached another boy living under the shadow of the spire of the village church in the village of Brandon, Vt., and a little while later Douglas started for the Illinois country. He came down the rivers and canals in flat boats, through the long forest avenues in ox carts, pursuing the same method of travel that LINCOLN pursued. And three years after the arrival of LINCOLN at New Salem, Douglas reached the frontier village of Winchester, 20 miles away in Illinois, also in the con-

Digitized by Google

gressional district that I have the honor to represent. And there, separated by 20 miles of woodland, these two young men spent the formative years of their lives. One of them, frail of stature, acted as auctioneer's clerk, taught school, and studied law in the village of Winchester; the other, robust of body, clerked in a country store, conducted the village post office, fought the Clarys Grove boys, and studied law at the same time in the village of New Salem.

The strangely parallel career of these two young men commenced at that time. They were in the Legislature of Illinois at the same time. They were admitted to practice law at the same time. LINCOLN'S law partner was a candidate against Douglas for Congress. LINCOLN would have been the candidate were it not for this fact. Both served in Congress at the same time, LINCOLN following Douglas to this body. Douglas was promoted to the Senate and acquired an international reputation. LINCOLN served only one term, and, discouraged, returned again to private life and to the practice of the law. He remained in the practice of the law until 1858, when the strangely parallel career of these two great leaders of men commenced again.

They were both opposing candidates for the United States Senate in the State of Illinois, representing different parties, and together canvassed the entire State. Their debates will remain in the history of debates of this character famous as long as the English language is spoken. But the result of that campaign was again discouraging to LINCOLN. The great Douglas was triumphantly elected.

Two years later they were opposing candidates for the Presidency. The result of that campaign left the towering form of LINCOLN standing alone on the horizon. One, a cavalier of the Southland, became the leader of the party which was opposed to the South. The other, a Puritan of Puritans, became the leader of the party which found its greatest strength in the South. They were both loyal to the Union until the very last. One of them died just as the guns rang out along the longest battle line the world had ever known. The other died just at the close of that long War between the States.

Digitized by Google

In the city of Springfield, Ill., a granite column, the granite coming from the State where Douglas was born, marks the spot where LINCOLN lies. In the city of Chicago, where the waters of Lake Michigan ripple on the shore, a white marble column marks the spot where Douglas lies. Some day we can honor Douglas in this country without detracting anything from the position LINCOLN occupies and must always occupy. They will rank throughout time as two of our greatest citizens and statesmen. [Applause.]

Mr. CLARK of Florida. I yield to the gentleman from Georgia [Mr. Crisp].

Digitized by Google

Digitized by Google

REMARKS BY MR. CRISP, OF GEORGIA

Mr. Chairman, as a southern man and the son of a southern soldier, I simply desire to avail myself of this opportunity to express my pleasure in having an opportunity to vote for this bill. The district I have the honor to represent lies away down South in Dixie, and I know my people entertain and cherish for President LINCOLN the greatest admiration and kindest feeling. My father was himself a Confederate soldier, and he has said to me on many occasions that the worst thing that ever happened for the South was when President LINCOLN was assassinated.

Before the war Gen. Cobb, of Georgia, was at one time Speaker of this House, and he was also Secretary of the Treasury. He was a general in the Confederate Army. He has a son, a probate judge, in my county, who was on his father's staff in the Confederate Army. I have in my office a short communication sent me by Judge Cobb eulogizing President LINCOLN, the article also giving his father's views and opinion on the assassination of President LINCOLN. I ask unanimous consent to extend my remarks in the Record by inserting the article.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the Record in the manner stated. Is there objection?

There was no objection.

The article is as follows:

EDITOR TIMES-RECORDER:

The coming of the governor, his staff, members of the Grand Army of the Republic, and other distinguished citizens of Illinois to unveil the monument to their soldier dead at Andersonville brings up memories of the past connected with a man from their State whom they loved and honored and are proud to claim as having come from Illinois; and it seems proper that these memories should be given some public expression at this time.

Digitized by Google

I refer to ABRAHAM LINCOLN. Although he wore no handsome uniform with epaulets and gold braid, was he not a soldier? He was Commander in Chief of the Army and Navy of the United States. Forty-seven years ago, in April, 1865, my father, Maj. Gen. Howell Cobb, commanded the Confederate forces of the department of Georgia. I was a member of his military staff, and was standing near him one day when he received an official telegram. When he read it his face turned as white as a sheet, and throwing up both hands he exclaimed, "My God! Lincoln has been assassinated; this is the greatest calamity that could have befallen our people." How true were his words and prediction time has too fully proven.

It is not surprising that the assassination of LINCOLN inflamed the northern heart and created bitterness against the southern people at that critical period, and gave the opportunity to the extreme fanatical element of the North to shape the policy of the Government in dealing with the Southern States after the surrender of Lee's and Johnston's armies. And this brings us to consider what might have been.

ABRAHAM LINCOLN was a great, good, and wise man, with a big, loving heart. He always held that the Southern States were never out of the Union. He had the love, confidence, and respect of his people, and if he had lived his policies would have been carried out—a request from him to the Southern States to elect their Senators and Representatives, send them to Washington, and again become a part of a reunited Union of sovereign and independent States. We would not have gone through the farce of reconstructing what he claimed had never been divided.

We would not have had the manacling of Jefferson Davis, thereby wringing the heart of a great and brave people by putting this humiliation on their chieftain, whom they all loved, honored, and admired, when they were helpless to protect or defend him. The Southern people would not have had to go through the trying, expensive, and humiliating times of so-called "reconstruction." The Freedman's Bureau and its antitwin, the Ku Klux Clan, would never have been heard of, and the dove of peace with the olive branch of brotherly love nearly 50 years after would not still be hovering in midair, wanting to proclaim—what all good and true men in this entire Nation earnestly wish and pray for—a united and loyal people, knowing no North, no South, no East, no West.

JOHN ADDISON COBB.

The SPEAKER. This is Calendar Wednesday, and the unfinished business is the bill (H. R. 8351) to accept a deed of gift or conveyance from the Lincoln Farm Association, a corporation, to the United States of America of land near the town of Hodgenville, county of Larue, State of Kentucky, embracing the homestead of ABRAHAM LINCOLN and the log cabin in which he was born, together with the memorial h all inclosing the same

Digitized by Google

and further, to accept an assignment or transfer of an endowment fund of $50,000 in relation thereto.

Mr. CLARK of Florida. Mr. Speaker, I ask unanimous consent that in addition to the time allowed under the rule for general debate, one hour be added, one half to be controlled by the gentleman from Illinois [Mr. McKinley] and the other half by myself.

The SPEAKER. The gentleman from Florida asks unanimous consent that the general debate on the bill H. R. 8351 be extended to three hours, one half to be controlled by himself and the other half by the gentleman from Illinois [Mr. McKinley]. Is there objection?

There was no objection.

The SPEAKER. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 8351, with Mr. Barnhart in the chair.

Mr. CLARK of Florida. Mr. Chairman, I believe when the committee rose on last Wednesday I had 15 minutes remaining?

The CHAIRMAN. The gentleman had 18 minutes remaining.

Mr. CLARK of Florida. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. Foster].

Digitized by Google

Digitized by Google

REMARKS BY MR. FOSTER, OF ILLINOIS

Mr. Chairman, I am very glad to support this bill, which provides for the acquiring by the Federal Government the birthplace of ABRAHAM LINCOLN. If this bill becomes a law, it will forever preserve to the people of the United States the birthplace of this illustrious and greatly beloved man who stood not only for the preservation of the free institutions of our own country but was an example for all the world. His birthplace was a log cabin and his parents were humble though respectable people. His useful and honorable life well demonstrates to the world what a man may accomplish for himself in this country by building up character, integrity, and unselfish work in the interests of the people. Mr. LINCOLN did not have the opportunity of an education in any great college or university but he did learn the value of character, the principle of fair dealing, and recognized the rights of humanity. He came from Kentucky to Indiana and then to Illinois at an early age and followed surveying, was postmaster and a village merchant in New Salem, Menard County. He studied law, was admitted to the bar, and practiced his chosen profession, going from court to court, or, as it was known in that early day, by riding the circuit. Many of those with whom he was associated in early life and practiced law with him became famous as lawyers and occupied responsible places, not only in Illinois, but in the Nation. Nearly all of the associates of ABRAHAM LINCOLN in Illinois at that early time have passed away. There is, however, in this House one who knew Lincoln, practiced law with him as a young man on the circuit in the eastern part of the State along the Wabash River. I refer to Hon. Joseph G. Cannon, ex-Speaker and at present a Member of this House.

Digitized by Google

Mr. Cannon also had the distinction of being present at one of the great joint debates which took place between LINCOLN and Douglas, at Charleston, Ill., in 1858. These debates between these intellectual giants will never be forgotten by the people of Illinois, and each spot where these men met to discuss the great issues then before the people has been carefully marked, that they might be preserved throughout all time. Mr. LINCOLN was a member of the Illinois Legislature in 1836 and 1837, which met in the city of Vandalia. The old statehouse is still there and now used as a courthouse. Among those who served with him in that legislature and afterwards became distinguished were Stephen A. Douglas, James Shields, Archy Williams, Ninian Edwards, John J. Hardin, Jesse K. Dubois, John A. McClernand, and Usher F. Linder, and others that might be mentioned. He also served in the legislature of 1838–1840. Mr. LINCOLN did not specially distinguish himself during his term of service in the legislature, but did take an active interest in local affairs in the State. He afterwards became a Member of Congress, serving one term in the House of Representatives.

The stirring times which brought on the LINCOLN-Douglas debates in 1858 throughout the State of Illinois, in which they held joint discussions in every congressional district of the State, developed great interest in the questions of that time, which then divided the North and South, and made Mr. LINCOLN famous throughout the Nation and had much to do with making him President of the United States. Mr. LINCOLN was a remarkable man in the fact that he never seemed to hold revenge or resentment against a man in the world. His kindly disposition toward those who differed with him in what he believed to be right was one of the strong characteristics of his nature. Many harsh and unkind things were said about Mr. LINCOLN as a public man, and he was severely criticized in his public acts as President, but with all the abuse which was heaped upon him it did not cause him to return this ill treatment or say any unkind things. No President of our country ever suffered more anxiety in regard to the welfare of the Nation than he,

Digitized by Google

and no one ever bore it with greater fortitude. When we read of his life and the many slanderous things said of him one sometimes wonders how he was ever able to bear up under it all. It seems that our Presidents must many times remain silent during severe criticism. Theirs is the welfare of the Nation, and they have a duty to perform as its Chief Executive and must not turn from the right as they see it, however much they may be criticized. People are often too prone to criticize a President for partisan purposes; not only was this the case in LINCOLN'S time, but down to the present. LINCOLN did not hesitate to change his mind whenever he was convinced it was for the best interest of the country to do so, but every time he did so he was abused for it. He was personally abused, yet all this criticism failed to change his nature, but he went forward determined to perform his duty as he saw it. He did not spend his time abusing those who indulged in abuse of him, but went about his work determined, as he said—

> With malice toward none and charity for all to do the right as God gives us the power to see the right.

His chief desire was to preserve the Union, that our country might be united and the flag once more be the emblem of liberty for all the people in every part of this Republic. His solicitude for the welfare of the individual soldier was many times demonstrated during those long four years by his kindness, and his sympathy and encouragement to those who were unfortunate in losing their relatives and friends in the Army was well known to all. His memorable speech at Gettysburg will live as long as time lasts as one of the greatest ever delivered in all the history of the world. His second inaugural address showed in every word his determination to prosecute the war to a successful conclusion and save the Union, and our duty when the battle was over to care for those who fought for our country, but to forgive those who fought on the other side. He recognized they were our brothers and our own people, and if this country was to again be united we must treat them as such. They fought for what they believed right, and when the surrender at Appo-

Digitized by Google

mattox took place the Old Flag was again acknowledged as the emblem of peace and liberty, and we can all say—

Your flag and our flag,
  And how it floats to-day
O'er your land and my land
  And half the world away.

Blood red and rose red,
  Its stripes forever gleam;
Snow white and soul white,
  The good forefathers' dream.

Sky blue and true blue,
  With stars that beam aright;
A gloried guidon of the day,
  A shelter through the night.

Your flag and my flag—
  Oh, how much it holds
Your heart and my heart
  Secure within its folds.

Your heart and my heart
  Beat quicker at the sight;
Sun kissed and wind tossed,
  The red and blue and white.

The one flag! The great flag!
  The flag for me and you!
Glorified, all else beside,
  The red and white and blue.

It was unfortunate for the North, but more especially for the South, that he should have been taken away at a time when his service was so much needed in reconstructing that devastated portion of our country which had suffered the ravages of war. Had he lived, it is believed that the unfortunate condition which resulted after the close of the war would never have taken place. He held no enmity to the South, but it was believed his love and solicitude for the people there was such that the outrages committed after peace was declared would never have taken place had he been permitted to serve out his term and give his assistance to the people in rebuilding their homes and country. To-day our country is happy, indeed, in the knowledge that we had an ABRAHAM LINCOLN during those

Digitized by Google

trying times. The people of Illinois are proud that they furnished to this country and to all the world an ABRAHAM LINCOLN who preserved this Union that they who follow after him might enjoy these blessings of a happy and a united country and that our country will be a beacon light to all the world as a land of liberty. Let us preserve these blessings to all our people. We can not be true to the flag unless we are true to the principles for which the flag stands. We are all thankful that there is no sectional feeling within our borders and the bitterness of 1861 and 1865 is gone, and that men meet without sectional quarrel and only with kindly feeling to each other. We thank God that upon this floor those from the South are here to speak in praise of LINCOLN. They had their heroes in battle whom they praise. Why should they not? Shall they be criticized for doing so? Their loved ones fought for the cause they believed just, and many lost their lives on the battle field. The example of the life and character of ABRAHAM LINCOLN is an inspiration to every individual to put forth his best efforts for his country. Times may come when people take sides upon great questions and contend for what they conceive to be the best, and it is right that such should be the case with every true American. With such questions settled by the majority, they acquiescé in what is best for the greatest number. In no other way can our Republic be preserved. We should emulate the life and character of this illustrious martyr that we, too, may render some valuable service to our country. Let us not endeavor to take from society in this world without giving something in return. With rights and privileges come responsibility. We should do our part. Let us perform our work so that it may be said of us, "We have fought a good fight and have kept the faith."

ABRAHAM LINCOLN is gone, but the inspiration of his life will live forever. [Applause.]

Mr. MCKINLEY. Mr. Chairman, I yield such time as he desires to the gentleman from Illinois [Mr. Cannon]. [Applause.]

Digitized by Google

Digitized by Google

REMARKS BY JOSEPH G. CANNON, OF ILLINOIS

Mr. Chairman, LINCOLN was born in Kentucky, if I recollect right, on the 12th day of February, 1809. No one could have dreamed what his future would be. They have found the log cabin where he was born, the place upon which it stood, the farm upon which his father failed to make a living, and it has been purchased and endowed with $50,000 and is now tendered to the Government of the United States. It is meet and proper in my judgment that this bill should pass. We are building a great memorial here in the city of Washington to LINCOLN, and I am glad of it, as is everyone, but that memorial, located just beyond the Washington Monument, marks his service as a lawyer, as a statesman, as President. That memorial is not so high as the Washington Monument, but it is broader and longer. It is not dwarfed by the Washington Monument, nor by the Capitol, nor should it be. But, after all, if he had not been born he would not have been President. I am not a believer in special providences, but if I were I would say that he was born with a mission. Mr. Chairman, there is an old Greek myth that one of the tasks of Hercules was to meet and overcome Antaeus.

He ascertained that the secret of Antaeus's strength was that every time he touched the earth his strength was renewed. So, placing his arms about him, he held him up in the air until he died for the want of sustenance. The Greek myths, many of them, tell the story of strength renewed by touching the earth. We all understand that in this country, and, in fact, in all countries, in the main the men who lead in achievements are of the generation or near to a generation that has touched the earth. [Applause.]

The genesis of LINCOLN was a happy one. The family moved over into Indiana on the way to Illinois. They halted first in Indiana, and then settled in Illinois, in the county of Coles, and then over in the county of Menard. He was a boatman, then a

Digitized by Google

surveyor, a merchant, soon became a lawyer, and a successful one, and went to the legislature. He had everything in common with the people of the borderland. Politician as well as lawyer, though not a reformer, he was a partisan. He was a member of the Whig Party, and one of his principal opponents at the bar in the early days was Mr. Douglas. Douglas forged ahead, came to the House of Representatives, was elected and reelected to the Senate of the United States, and became the leader of his party, being a wonderfully strong man.

LINCOLN was ambitious. He possessed a law practice that would not be counted lucrative now, although it abounded in a large number of cases. If fees had been paid then of the size of the fees now, with the amount now involved, he would have had a wonderful income. Judge Davis, upon whose circuit he practiced, told me that the largest fee which Mr. LINCOLN ever received was $5,000, in a litigation for the Illinois Central Railway, touching the 7 per cent of the gross earnings that went into the treasury of the State and freeing the railway from taxation. Mr. LINCOLN was successful for his client, and held his breath and charged $5,000, but had to sue the corporation to make it pay. Mr. Davis, afterwards justice of the Supreme Court of the United States, told me that Mr. LINCOLN never before had received such a fee, and rarely as much in the aggregate as $5,000 a year.

He had his equipment for his afterlife work. Born in Kentucky, he came to Illinois, which was settled in the central and southern portions from Kentucky, Tennessee, North Carolina, and Virginia principally. For a long time settlements were sparse in the northern part of the State, although there was a considerable settlement there from the East. But the early settlements were mostly from the Southland. There came some Democrats and some Whigs, about evenly divided in politics, and they used to say when they spoke of the Kentuckians—Whigs, Democrats, strong partisans—that the Kentuckian took his politics like he did his whisky, namely, straight. And so it was.

Mr. LINCOLN became a candidate for the Senate after the passage of the Kansas-Nebraska bill. In 1858 Mr. Douglas

Digitized by Google

being a candidate to succeed himself, he was Mr. LINCOLN'S opponent; and this was the issue, in substance: LINCOLN was not an abolitionist; nor was Douglas, for that matter. Douglas was for squatter sovereignty; that is to say, LINCOLN took the position that slavery was not national; that it was sectional, and that a State when it came in, or even after it came in, could legalize slavery, but that in the national domain there was no law to protect the property where it was invested in the slave, the South taking the position that it was property, and therefore it was entitled to protection in the national domain.

Mr. Douglas said that he would be, to a certain extent, neutral. Said he, "We will let the Territorial legislature, the people of the Territory, determine whether slavery shall exist in that Territory or not, prior to its admission as a State, if it be admitted as a State afterwards. And the contest was a fierce one. The Whig Party was divided in twain; the Democratic Party in the North was divided in twain; and there never was, I dare say, in all the history of the country such a campaign as was made by Mr. LINCOLN and Mr. Douglas. LINCOLN held his own, but Douglas had a national reputation. LINCOLN'S reputation was as a lawyer in the Middle West, north of the Ohio River. This campaign brought him to public notice because he could hold his own with the "Little Giant." It was the foundation which made him a candidate for the Presidency and which resulted in his election. Of all men living, in my judgment there was no man in the United States who was so well equipped from his early life to be President as ABRAHAM LINCOLN. [Applause.]

My colleague, Dr. Foster, said that I had known LINCOLN and attended the LINCOLN-Douglas debates in 1858. That is true in a measure. As a young man I met LINCOLN on a number of occasions—on the ninth judicial circuit of Illinois, at the Illinois convention which made him the candidate of the State for President, and during that memorable campaign in 1860. I attended the debate between LINCOLN and Douglas at Charleston, Ill., in September, 1858. The prairies of central Illinois were vacant that day, for all the people went to Charleston to hear the two champions in the fourth debate. They were

Digitized by Google

pretty equally divided in their loyalty to the two men, and in that section at that time men were virile in their partisanship. There were banners and bands, and the little town was overrun with people from far and near. The meeting was held on the fair grounds, and each party had its chairman to welcome its leader and preside together.

It was at that meeting that LINCOLN took advantage of Douglas to make the Democratic chairman testify against him. The Hon. O. B. Ficklin, a former Representative in Congress, was the Democratic chairman and had welcomed Douglas and introduced him to the audience. In that speech Douglas repeated his charge that LINCOLN had refused to support the administration's conduct of the War with Mexico. LINCOLN had denied this charge at Freeport and at Jonesboro, but when it was repeated at Charleston he showed that old human trait of "getting even." When he referred to the charge and his former denials, he whirled about, reached out his long left arm, and, taking Chairman Ficklin by the collar, yanked him out of his chair and to the front of the platform, much as an old-fashioned schoolmaster brought out a bad boy to be trounced. The crowd, anticipating a fight, became excited, but LINCOLN remarked: "I am not going to hurt Col. Ficklin; I only call him as a witness. Now, the colonel and I were in Congress together, and I want him to tell the whole truth about this Mexican business." Col. Ficklin was in an embarrassing place; he told the audience that he was the friend of both Douglas and LINCOLN and did not want to be a party to the dispute, but that LINCOLN had voted just as he did for the supplies for the Army in Mexico, though LINCOLN had voted for the Ashmun amendment, declaring that the President had exercised unconstitutional powers in beginning the war. It was LINCOLN, the lawyer on the circuit, compelling the witness for the prosecution to testify for the defense.

The Republicans were wild with enthusiasm and the Democrats disappointed over the incident, but there was no further disturbance, and the adroitness of LINCOLN disposed of the charge that he had been disloyal to the Army in refusing to vote the necessary supplies to the troops in Mexico. LINCOLN lost in that senatorial contest, but it made him the Republican

Digitized by Google

leader in 1860, as it made impossible the election of Douglas to the Presidency by dividing his party on the slavery question.

LINCOLN did not suit the extreme North, because in the main it was extremely radical, with the Garrisons and the Phillipses, and many others. Of course, he did not suit the extreme South, because there too was radicalism; but when you came to Missouri and Kentucky and portions of Tennessee, Pennsylvania, Ohio, Indiana, Illinois, and Maryland, there was a division almost half-and-half. They were virile men. The Caucasian race is virile, and where they honestly have convictions you know that they are ready to fight for them. LINCOLN knew how far he could go in that great contest with our arms, and whether he could succeed or not, by being able to keep his hand upon the public pulse on the very stage where the war was principally conducted, namely, in the borderland. He could place his hand upon his heart beats, shut his eyes, put the question to himself, and determine what it was necessary to do and say, and receive the support not only of the Republicans, but the Democrats in the main, strong partisans as they were. And it was necessary to have a substantial vote. We all know what happened in Missouri. In Kentucky the Kentuckians boast that their quota was full in both armies, which was true, and so on along the borderland. There were specks of war at times in Illinois and in Indiana. Battles were fought, one or two in the district that I now represent, in the circuit upon which LINCOLN traveled, between men, our kind of men, our blood—Americans.

In the meantime the radicals in the North were not satisfied. They said he went too slow. Ministers in the pulpit, many of them, openly said he was not performing his duty. There was an abolition sentiment in the North; the farther north you got the stronger the abolition sentiment. It was not so strong in the borderland as it was in New England and in New York and in northern Pennsylvania and northern Ohio. Delegations of preachers came to see him and put it up to him: "Why don't you free the slaves?" They said the Lord had sent them. He gave them this answer, in substance: "It seems to me if the Lord had a communication to make to me, I being chiefly responsible as leader, He would give it to me direct." [Laughter.]

Digitized by Google

Friends of his grew lukewarm. I read the weekly New York Tribune, the only real newspaper we had in our township. It came in—two or three hundred copies—at a dollar a year. When I was a boy it was a great champion of protection and bore testimony against slavery—a radical. And yet when the real trouble came Horace Greeley in the Tribune said, "Let the erring sisters go in peace," and quarreled with LINCOLN, because LINCOLN would not help contribute to that end. And so it was all along the line.

By the by, will you bear with me? I do not want to weary you——

SEVERAL MEMBERS. Go on!

Mr. CANNON. For the first two years of the war the Union Army did not have great success. In the fullness of time came Vicksburg and Gettysburg and victory. People took heart. Two million two hundred thousand men, most of them enlisted, by that time were trained. We had in our Army more than were in the Confederate Army. We greatly exceeded them in number. We were much better off. We had more of railways than they had. But they were fighting, do not you see, upon their own ground, as France is now fighting. It is easier to defend the hearthstone than it is to conquer the hearthstone. Well, there was much of trouble. People in the North wanted to compromise. In the South they did not want, in considerable number, to compromise. They were fighting for what they conceived to be their rights under the Constitution. [Applause.] LINCOLN, you recollect, in answering one of his letters in 1862, said to Greeley:

> If I could save the Union without freeing any slave, I would do it; and if I could save it by freeing all the slaves, I would do it; and if I could save it by freeing some and leaving others alone, I would also do that.

Strange—he was criticized, especially in the Northland as well as in the Southland. He was reminded that the Constitution guaranteed property in the slaves. He acknowledged it. He said:

> I have taken an oath to defend the Constitution; but, he added in his homely way, was it possible to lose the Nation and yet preserve the Constitution? By general law life and limb must be protected, yet often a limb must be amputated to save a life; but a life is never wisely given to save a limb.

Digitized by Google

And in the time of war for the preservation of the Union and the preservation of the Constitution, when it became necessary, laws were silent, and in three weeks after the preachers had visited him he gave notice by proclamation, if the States of the South did not return to their allegiance by the 1st of January, as a war measure we would declare the slaves free, and he did.

Now, the partisan papers of the North, including the New York World and the New York Herald and Greeley in the New York Tribune, were firing into him. Greeley was not pleased—and I will tell you about that a little later on, if you will indulge me. Those partisan newspapers did not want to see him re-elected. They attacked him from every angle, fiercely and vigorously, not striking above the belt, but below the belt. No man in my time was abused as he was by the press. But it did not seem to bother him. He did not complain. It was wonderful how the papers commended and patted on the back Fremont, who was our first leader in 1856, and took him up when the radicals, you know, held a convention at Cleveland. The newspapers were full of Fremont's candidacy, and the radicals who were to nominate him did not say much about LINCOLN's political prospects. I sometimes think that history repeats itself when I recollect the action of the newspapers of that time. Well, I will not come nearer speaking of more recent history. [Applause.]

Greeley, editor of the greatest Republican paper of the country up until the beginning of the War for the Union, had a personal grievance against LINCOLN. When the convention met at Chicago, with factional troubles in New York, Thurlow Weed and Seward and that faction prevailed over Greeley, and he could not go to the convention as an original delegate, but he got a proxy from a delegate for Oregon, and he was in the convention and worked for the nomination of LINCOLN. LINCOLN elected, Greeley had the right to believe that he ought to have been in his Cabinet. He began to fight and find fault. The situation grew worse and worse. LINCOLN picked Chase and those who had opposed him in the convention for nomination, including Seward, and put those two in his Cabinet. The great trouble was upon Seward, his Secretary of State, and LINCOLN

Digitized by Google

said to Greeley's friends: "We can not take two men from New York; I am pursuing this policy." The politicians did not see as well as the statesmen. Greeley became aggrieved, and they fought all through until 1864 came. I will not take time to tell what he said and what LINCOLN said in reply. It is good reading. You will find it in McPherson's History of the Rebellion.

A MEMBER. Tell that story.

Mr. CANNON. The gentleman says, "Tell that story." The surroundings are not as good as they could be for telling that story—the surroundings are good, you know, but we are all prohibitionists now. [Laughter.] But I will tell that story, if you will indulge me, because it throws a strong light upon LINCOLN'S character. LINCOLN was nominated; McClellan was nominated; LINCOLN for the preservation of the Union and the prosecution of the war. And, mind you, you did not, down South, have anything to do with McClellan's nomination. He was nominated by the Democratic North, upon a platform declaring the war a failure and advocating an armistice, that we might preserve the Union by compromise. LINCOLN, in his characteristic way, said, referring to it as reported in conversation, "Suppose we were to try to compromise. We talked about that, and many people tried it before the war began. But can one man make a bargain?"

Well, it looked as if LINCOLN was to have a hard time for reelection. He believed that he ought to be reelected. The Republicans believed that he ought to be. Many Democrats in the North believed that he ought to be; but the campaign was hot.

For four or six years, along about 1878, 1879, and 1880, I had a colleague in the House here by the name of Waldo Hutchins. He was a Democrat at that time, although prior to Greeley's candidacy for the Presidency he had been a Republican. In the Greeley campaign he became a Democrat, voted for Greeley, and then later was elected to Congress as a Democrat. He was a strong, honest, square man, and a truthful man, I have no doubt. He knew Mr. LINCOLN very well. Mr. Hutchins told me that one evening he climbed the long stairway in the Tribune Building, then, I believe, the highest building in New York, and found Greeley in his office, and said, "Mr. Greeley, what's the news?"

Digitized by Google

"Oh, nothing, nothing," said Greeley.

After a little conversation Greeley said to Hutchins, "There is a letter I received."

Hutchins said he took the letter and read it, and it was from Mr. LINCOLN's secretary, addressed to Greeley, and it said, "The President instructs me to say that he would like to have an interview with you, and as matters are at present he finds it impossible to get away from Washington. Is it asking too much to ask you to come to Washington?"

The letter was two days old. Said Hutchins to Greeley "Have you answered the letter? Have you been to Washington?" "No," said Greeley.

"Why don't you answer it?"

"Oh, I don't care to."

Hutchins told me that he grabbed the letter and said, "I will take it."

Greeley said, "As you choose."

Mr. Hutchins said he rushed down the stairway and found a hack, and said to the driver, "I will give you three times your fare if you will catch the last boat to Jersey City."

The driver laid on the whip, and Hutchins caught the last boat and caught the train, although it was in motion when he got on board for Washington. Hutchins came to Washington and went to breakfast at the Willard Hotel. Then he went to the White House. The messenger said, "Why, Mr. LINCOLN can not see you now. He is just getting up."

Said Mr. Hutchins, "I must see him."

"Oh, well, you can not see him now. It is impossible."

Said Hutchins, "Take this card to the President"; and he told me, "I scribbled upon my card that I had come in consequence of that letter that his secretary had written to Mr. Greeley."

The messenger came back and said, "The President says to show you up."

"He was dressing, and we talked, and I told him what Greeley had said. LINCOLN said, 'I am glad you came. Greeley has a just grievance from his standpoint against me. He voted for my nomination and advocated my election. He had a right

Digitized by Google

to believe that he would be recognized, and he would have been under ordinary conditions, but under the conditions as they then were and now are I could not, performing my duty as President, ask him to be a member of my Cabinet. I believe I shall be reelected. I believe I ought to be. God knows if it were not for the sense of duty that I owe to the people and to civilization I could not be hired to be President. If I am reelected, I believe it will be but a short time until this great struggle will close. Seward is a great man, but of a different faction from Greeley. When this war closes we will have great need for a diplomat at the Court of St. James. We have a long account to settle with Great Britain. Seward has performed great service as Secretary of State. I believe he could perform better service as ambassador to the Court of St. James. By the by, Franklin perhaps was the greatest man that ever lived in this country—philosopher, statesman, scientist. He was Postmaster General under the Confederation.' "

Hutchins said, "Yes; so he was."

LINCOLN said, "Franklin was a printer. Greeley is a printer. Do you know I believe Greeley would make a good Postmaster General. I think I am right in saying that is the position he would rather occupy than any other."

Hutchins said, "Am I at liberty to say that to Mr. Greeley?"

"Oh, you can say it, but, mind you, I am not making a promise to bind me in the constitution of my Cabinet. I am telling you how I feel toward him personally. I am honest about it."

Hutchins departed, went to New York on the next train, climbed the stairway again, and repeated the conversation to Mr. Greeley. Greeley said, "Did LINCOLN say that?"

"Yes."

Without another word Greeley wheeled in his chair, sat at his desk, and for 20 minutes wrote, and then read to Hutchins that greatest of all bugle calls published in the New York Tribune, which I think did much, perhaps more than all the other papers put together, to reelect LINCOLN, lining up the Republican Party from the standpoint of patriotism and the salvation and preservation of the Union.

Digitized by Google

Sequel: Said Mr. Hutchins, "The day before Mr. LINCOLN was assassinated I got another letter from his secretary stating that the President desired to meet me, and asking me if I would come to Washington. I left on the next train, the same train that I had taken in September or October before. I arrived in Washington in the morning, and when I got off the train the newsboys were crying that the President was assassinated. I have no doubt on earth but that he called me to Washington to tender through me the Postmaster Generalship to Mr. Greeley."

So Mr. LINCOLN was a politician. He was a partisan, but he had that great common sense as a leader which led him up to the preservation of the Union. Greeley and some of LINCOLN's generals and some members of LINCOLN's Cabinet criticized him. Some members of his Cabinet were perfectly willing to take the whole thing out of his hands and run the Government. He just let them stay. You know they were useful. He went on in the even tenor of his way. I will not go into that further. You all recollect about it who are old enough, and the rest of you have read about it. Nobody regarded LINCOLN as a hero during that great contest. His recognition as of heroic mold came after his death. You know heroes are great fellows. Sometimes the people regard them as heroes, and sometimes they proclaim themselves as heroes. [Laughter.] Let me say to you that that does not apply to one party alone. There are other pebbles on the beach. [Laughter.] With his great good sense, with his feet in the soil, with no collegiate course, God made him, and his associations in youth and manhood had been such that he was enabled to lead and lead successfully.

You remember what George William Curtis said in notifying LINCOLN of his second nomination:

> Amid the bitter taunts of eager friends and the fierce denunciation of enemies, now moving too fast for some, now too slow for others, they have seen you throughout this tremendous contest patient, sagacious, faithful, just, leaning upon the heart of the great mass of the people and satisfied to be moved by its mighty pulsations.

By the by, I am reminded of the Gettysburg speech. Edward Everett made a great speech there. Everybody was listening

Digitized by Google

to Everett. Nobody knew that LINCOLN's little three-minute speech was a jewel. It was not said to be a jewel until long after he was dead. After it was made the partisan press attacked it. Some of them said it was ridiculous and vulgar. Well, you know how it was in a hot campaign, and the campaign was very hot in 1864 in the Northland. Yet there is not one schoolboy in a hundred in the United States in a high school who knows that Edward Everett made the principal address on that occasion, but I dare say that ninety out of a hundred of the bright-faced boys and girls can repeat LINCOLN's three-minute Gettysburg speech. It is a classic, and will live when you and I are dead and gone and forgotten.

Then take the letter that he wrote to the Irish woman in Boston, who lost four or five sons in defense of the flag. That was a wonderful letter. I had rather have the capacity to write that letter, or to make such a speech if the occasion arose, than to have all the property of all the earth. [Applause.]

Now, I have catch heads here enough to last me a long time, but I have talked too long. [Go on! Go on!] Well, not much.

Listen to one of the radicals during the campaign of 1864. Wendell Phillips was an extreme radical of the North. He said:

> If William Lloyd Garrison stood in the President's place I should have no fears. Can I put the same trust in ABRAHAM LINCOLN? In the first place, remember he is a politician, not like Mr. Garrison, a reformer. Politicians are like the foreleg and shoulder of a horse, not an upright bone in the whole column.

[Laughter.]

> That which is not itself crooked stands crooked—

[Laughter.]

> and but for the beast, could not move. Reformers are like Doric columns. Might may crush them, but can neither bend nor break.

I suppose a reformer has his place. I sometimes think they get pretty thick. They say that their province is to fight with the Almighty, that the Almighty and one are a majority. Well, they have their place. I am not here to abuse them. Nearly all of them are honest, but once in a while one of them is a

Digitized by Google

hypocrite, makes his living by being a reformer, but who would think of one of them for a Member of Congress, or Senator, or President. For those offices we want a politician, a man of affairs, a man whose range of vision can cover the whole country, and if necessary the whole world.

LINCOLN was assassinated by a crazy man. Later on Garfield was assassinated, and later on McKinley; and when LINCOLN was assassinated it was the saddest day for the Southland and the Northland. [Applause.] There would have been no mistake made, in my judgment, if LINCOLN had not been assassinated. When the proposition was made to put South Carolina and Virginia together in one military district he said, "No; I want to keep the States separate so far as I can to preserve their autonomy and to help strengthen the Union." [Applause.] But he was assassinated. If he had remained President when your State governments were being formed you would not have had reorganizations that made peons practically of the late slaves, and when that happened then came reconstruction with all the hardships that followed. It was a great loss to the North and a great loss to the South.

I believe the hand that used the weapon to take the life of LINCOLN was inspired by the press, North and South, that denounced Mr. LINCOLN. I believe the same thing is true of Garfield, and the same thing is true of McKinley. I believe in the freedom of the press, but, oh, at times a terrible effort is required to guarantee that freedom when the liberty of the press gets to be the license of the press.

Now, one further word and I will sit down. When I get to talking about LINCOLN in common conversation, I suppose I could talk all day, as many of you and millions of others could throughout the country. Who are the men that have effected civilization in all the days from the Master born in a manger? Who were His disciples, the fishermen? And from the time of His crucifixion down to this time He has grown and grown, and His teachings, notwithstanding the great struggle we are having now among three hundred millions on the other side—His teachings grow more powerful and useful to the human family.

Digitized by Google

The men that have been the strongest leaders of the world are men born in the cabins, in humble life, and of humble parentage. A Member referred to Napoleon the other day. Napoleon was of the first generation that we know anything about, and substantially when he died that was the end of the generation, although there is one man who is respectable in ability and a citizen of the United States.

And so you run along. Take it in poetry. Robert Burns, a son of the soil. Robert Burns speaks of the people in his wonderful songs, and, in my judgment, has done more for civil and religious liberty than any man for many, many generations—and I was going to say centuries. [Applause.]

Who was the father of Shakespeare? He had no descendants, so far as I know, and yet his plays will live through all time. And then there were Goldsmith, Whittier, Dickens, Thackeray, Tolstoi, Andrew Jackson, Garfield, Morton, Sherman, Grant, Carnegie, Bell—and I could stand, if you had the patience to listen, and read a list by the hour. The old saying on the Wabash, homely as it was, is true, "It is three generations from shirt sleeves to shirt sleeves." It was true then and true now, and has been true substantially in the whole history of the world.

You know that if you go into New York or into Chicago or the great centers you will find that three out of four men in business who direct the affairs of men were sons of farmers or others who lived in the sweat of their faces, who worked in early life and have become qualified for their subsequent career. Once in a while one of them makes a very great fortune, and if he gets too strong somebody tries to take it away from him, and sometimes succeeds, and we call him a plutocrat; he commenced as a democrat and became a plutocrat. [Laughter.]

By the way, I have for the first time in my life been reading Emerson a little bit, and in his essay on Napoleon he winds up near the close with this statement. Napoleon, you know, became first consul, overran Europe substantially, was then Emperor, then came St. Helena. He was a democrat and ran through all of the stages before he died, but Emerson uses this

Digitized by Google

sentence, "The democrat is a young conservative; the conservative is an old democrat; the aristocrat is a democrat ripe and gone to seed." [Laughter.] The first part of this definition applied to LINCOLN, who was thoroughly democratic and also conservative, but never aristocratic. Emerson said of him, "He stood, a heroic figure, in the center of a heroic epoch. He is the true history of the American people in his time." [Great applause.]

Mr. CLARK of Florida. Mr. Chairman, I yield 15 minutes to the gentleman from Ohio [Mr. Sherwood].

Digitized by Google

Digitized by Google

REMARKS BY MR. SHERWOOD, OF OHIO

Mr. Chairman, sitting here to-day in this presence I could not help but grow reminiscent listening to the splendid tribute to ABRAHAM LINCOLN by my old friend, Mr. Cannon. That vital historical recital reminded me of the time when we came into the Forty-third Congress together on the first Monday of December, 1873. [Applause.] I believe that Mr. Cannon and myself are the only Members in either branch of Congress now in public life who were Members of that Congress. There were historical characters in that Congress, men called to deal with both ethical and fundamental questions growing out of the Civil War, questions that stirred the blood and commanded the most potent mental endeavor. Just across this aisle sat two intellectual athletes—Gen. Benjamin F. Butler, of Massachusetts, and S. S. Cox, of Ohio and New York—who continuously measured the strength and potency of their rasping scimitars at close range. Near the seat where now sits our able and alert leader of the minority [Mr. Mann] sat my old Army comrade, James A. Garfield, then chairman of the Appropriations Committee, afterwards President of the United States. Right in front of the Speaker's desk, in his wheeled chair, was Alexander H. Stephens, of Georgia, late vice president of the Confederate States, a man of intense and powerful intellectuality, a true type of that array of intellectual giants that made both the House and the Senate great forums of debate during and after the war.

James G. Blaine, the idol of his party, was Speaker of the House and the recognized leader. On the Republican side sat 6 representatives of the negro race, just enfranchised, and on the Democratic side 10 or 12 of the battle-scarred veterans of the Confederate Army. I had the honor of a seat between Gen. "Joe" Hawley, of Connecticut, and George Frisbie Hoar, of Massachusetts, the former then famous as a soldier, the latter as the exponent of the highest culture in the domain of civics.

Digitized by Google

But lest I be classed as a reminiscent, I will not indulge in reminiscences further. I am not a pessimist. I believe in to-day, I believe in the future, I believe in the better day to come. And if the debates I have listened to in this Congress seem tame and commonplace, it is because no great vital questions to stir men's blood have been under consideration, questions to waken the full force of high intellectual effort. Should a great crisis confront this Congress, I sincerely believe that there is material on this floor, on both sides of this historic Chamber, to equal in forensic power the record of the past. Such a crisis may not be far off. I remember also the first speech of my colleague, Mr. Cannon, made 43 years ago on the floor of this House, and then, as to-day, we all sat up and took notice. [Applause.]

THE LOG-CABIN MEMORIAL TO LINCOLN

You will all concede that nothing new can be said of ABRAHAM LINCOLN. History and biography and the muse of poetry have been busy with his name and fame for over a half a century, and history has said its last word. It was that crash of cannon shot against the walls of Fort Sumter which started the movement that made the name of ABRAHAM LINCOLN the most sacred heritage of the redeemed Nation. Without the titanic conflict that followed, the name and fame of ABRAHAM LINCOLN might never have inspired a national lyric.

It is not great men who make great epochs of history. It is great epochs that make great men. Had there been no Trojan War there would have been no Homer. Had there been no conflict of the kings in the formative period of English literature there would have been no Shakespeare. Had there been no War of the American Revolution there would have been no George Washington, and had there been no Civil War from 1861 to 1865 there would have been no ABRAHAM LINCOLN.

The American people were leading a dull and melancholy life before that awful struggle of arms, but with that crash of cannon shot against the walls of Sumter came a new and inspired life. When the storm burst, the finger of God dropped the plummet into the Dead Sea, and with the overflow came new hopes, new ambitions, and new inspirations. And through-

Digitized by Google

out that four years' struggle, the most desperate and long continued of modern wars, the leading hand, the guiding spirit in the camps and courts and capitols of the Nation was ABRAHAM LINCOLN, the President and commander in chief.

I remember on the 4th of November, 1864, we were on a march in Tennessee, a forced march, toward the battle field of Franklin. The Ohio Legislature had passed a law (they had the old ballot system then before we had imported the system from Australia) that the soldiers in the field should vote. The Ohio presidential tickets had been sent to me for my regiment, the One hundred and eleventh Ohio. We were on a forced march the day of the election for President of the United States. We were to start at daylight. Just before daylight I had my horse saddled and rode back 3 miles to the rear and borrowed from our brigade surgeon, Dr. Brewer, an ambulance and a camp kettle. Whenever we rested that day, on that rapid march, the soldiers of my regiment voted in that old camp kettle in the ambulance. We counted the votes at night by the light of the bivouac fires. One-third of my regiment were Democrats, and yet there were only seven votes against ABRAHAM LINCOLN in the whole regiment.

I remember also after the Battles of Franklin and Nashville, and after we had driven Gen. Hood and his army across the Tennessee River, we were placed on transports and carried up the Tennessee and the Ohio to Cincinnati; then across Ohio and Virginia on the Baltimore & Ohio Railroad to Washington. We reached this city March 3, consigned to an ocean voyage to some point in North Carolina to meet the army of Gen. Sherman coming up the coast from Savannah. ABRAHAM LINCOLN was to be inaugurated the following day, March 4, 1865. I was looking for a war horse in Washington, as my last horse was shot at the Battle of Franklin, but I was determined to see LINCOLN and hear his second inaugural address. I had never seen ABRAHAM LINCOLN. There was a vast crowd on the east front of the Capitol. It seems to me there must have been 20,000, with many hundred boys in blue, and officers in full uniform, including Gen. Joe Hooker. I had on my old war-worn uniform, once a blue uniform, now tarnished with grime

Digitized by Google

from the red clay roads of northern Georgia and the sticky mud of west Tennessee. My old slouch hat with a hole burned in the crown, caused by sleeping with my head too close to a bivouac fire, was not a fitting crown for inauguration day, but I worked my way through that vast throng to within 6 feet of ABRAHAM LINCOLN, and I heard him deliver his last oration on earth. I heard him say:

> Fondly do we hope, fervently do we pray, that this mighty scourge of war may speedily pass away. With malice toward none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle and for his widow and his orphan.

[Applause.]

Over a half century has passed since that eventful day. I can see LINCOLN now as I saw him then—a tall, spare, gaunt man, with deep lines of care furrowing his cheeks, with inexpressible sadness in his face, the face of a man of many sorrows. A sad face, a strong face, a face radiant with the inspiration of a great soul, as he voiced in prophecy the ultimate destiny of this Nation. As a soldier of the Republic I heard ABRAHAM LINCOLN voice his national ideals in his last message to the American people.

Two million soldiers fought under ABRAHAM LINCOLN, the revered President and Commander in Chief, in the most desperate and longest enduring war of modern times. Over and above the 2,000,000 soldier graves that are, or soon will be, there rises triumphant in the radiant glory of a world-wide beneficence, the prescient prophet of emancipation, the leader in the grandest epoch-making era of all civilization. [Applause.]

Then I recall another scene that I shall never forget. It was the day after the surrender of Lee's army at Appomattox. Our Army was marching up the right bank of the Neuse River, in North Carolina. I saw in the distance a man on horseback, riding a magnificent horse—riding like mad—and as he approached the head of our column it was plainly to be seen that he must have been riding hard, for his horse's flanks were white with foam, his eyes flashed fire, his nostrils red as blood. As he neared our front he shouted at the top of his

Digitized by Google

voice, "Lee's whole army has surrendered." Every marching soldier behind a gun voiced the gladness of his heart. The whole Army went wild. That line of march was about 10 miles long, and I could almost hear the last shout of joy away down to the end of the line. That officer was Lieut. Riggs, on the staff of Gen. Schofield, the commander of our Army corps. We were all tired of war, and that was the gladdest day that Army ever saw. It was the proudest day any army ever saw since God created the world. We had fought the good fight, we had kept the faith, and we knew that the war was nearing its end, and that we could again go to our homes and clasp again the angels of our own household. And what a terrible change from universal joy to the deepest gloom followed this gala day. On the 15th of April, 1865, after we had reached the environs of Raleigh, I saddled up my horse to ride into the city. I had to pass through the camps of about 60,000 soldiers. Camps are always noisy. There are always some soldiers who are singing songs, and our Army was always buzzing with cheerful voices. They were all cheerful then, because we were seeing the end of the war. But that morning the camps were as still as the grave. I met a staff officer and inquired, "Why this silence in the camps?" He replied, "President LINCOLN has been assassinated." There was universal mourning in the Army. Every soldier loved and revered ABRAHAM LINCOLN, and that whole camp was as silent as this House in the midst of the prayer of the Chaplain. That is how the Army regarded ABRAHAM LINCOLN. Every soldier loved him as a brother.

Now, as to this log-cabin tribute: We have built many monuments to LINCOLN. We have dedicated many statues in bronze and marble; we have four in the city of Washington. I was under the great dome this morning. I saw Vinnie Ream's marble statue of LINCOLN in the plain clothes of an American citizen; I saw Borglum's representation of the face of LINCOLN, double heroic size. In Judiciary Square there is another figure in marble of LINCOLN, and in Lincoln Park there is a true-to-life figure of LINCOLN in bronze in the act of unshackling a slave. We are building a splendid temple to him

Digitized by Google

on the banks of the Potomac. That is all right. But monuments and temples and statues have no emotion, no human sympathy, no voice. But here is LINCOLN'S old Kentucky home. Here is the log cabin where he was born. Here is a silent monitor teaching a vital lesson in patriotism. Here is a symbol of hope and cheer to every poor boy struggling against poverty for an honorable career. Here is a Mecca where all the children of the Nation can gather and take courage in the story of a man, born in a rude log cabin, who learned to read books at night in the silent woods by the light of a pine-knot fire, and who became the guiding hand—the leading spirit—in one of the greatest epochs of all history. [Continued applause.]

Mr. MCKINLEY. Mr. Chairman, I yield five minutes to the gentleman from Minnesota [Mr. Smith].

Digitized by Google

REMARKS BY MR. SMITH, OF MINNESOTA

Mr. Chairman, under ordinary circumstances, after hearing the able and exceedingly interesting speeches of Hon. Joseph G. Cannon and the Hon. Isaac R. Sherwood and others upon the life and deeds of ABRAHAM LINCOLN, I would not be so presumptuous as to attempt to add anything to what has already been said about "the greatest memory of our earth."

The transfer by the patriotic Commonwealth of Kentucky of the log cabin in which Lincoln was born to the gentle care and protection of the United States is no ordinary occasion.

I never expect to witness a more patriotic and inspiring scene. It is an event that arouses in every American heart a desire to give expression to the love and veneration in which he not only holds the great emancipator but everything connected with his life from childhood to the grave.

From the fullness of the American heart the mouth speaketh of the things that make life worth living; of the things that ennoble and sanctify God's heritage to man.

Would that I had the ability to depict for you my heart's image of ABRAHAM LINCOLN; it would fill you with thanksgiving to Almighty God for having sent in the hour of our country's direst need ABRAHAM LINCOLN—the greatest power for good and the greatest leader of men since Christ—"a Christ in miniature," said Tolstoy.

Filled with such emotions, I know that my generous and patriotic colleagues will bear with me while I in my humble way on this historic day lay a sprig of laurel on the tomb of one of our own kind and generation—the immortal LINCOLN—the friend of man.

Born of humble and illiterate parentage, on Nolan Creek, in a wild and unsettled hickory forest of Kentucky, in this rude cabin—a very strange and unlikely place for the birth of the Nation's saviour. From this lonely home in the wilderness,

Digitized by Google

devoid of books, schools, and churches, and even of the stimulus of educated companions, this incomparable child of the forest by sheer force of character advanced step by step in knowledge and statecraft until he reached the highest position in the gift of the greatest Nation on earth. And this, too, at a time when that Nation needed its greatest genius to save it from self-destruction.

These inspiring exercises testify more eloquently than any words of mine how completely he restored the Union as it was before the mighty rebellion, in which he was the matchless leader. To-day the Southland is vying with the Northland in paying homage to the memory of the preserver of our Commonwealth, its flag and free institutions. If the shades of the venerated and martyred LINCOLN could witness this scene of a reunited and happy people, its cup of joy would overflow.

His was a life filled with greatness and sadness—free from malice, jealousy, and revenge.

His solicitude for the welfare of the South after the fall of the Confederacy was beautifully expressed in these words:

> I want the people of the South to come back to the old home, to sit down at the old fireside, to sleep under the old roof, and to labor and rest and worship God under the old flag. For four years I have seen the flag of our Union riddled with bullets and torn with shell and trailed in the dust before the eyes of all the nations, and now I am hoping that it will please God to let me live until I shall see that same flag unsullied and untorn waving over the greatest and most powerful Nation of the earth—over a nation of freemen—over no master and over no slave.

When LINCOLN gave expression to these noble sentiments his heart was filled with solemn joy over the close of the war, and his mind was occupied with hopes for the future welfare of his country and his countrymen. For some time he had been laying plans by which the States could be reunited, and the brave men who had fought on both sides of the mighty struggle could live in peace and happiness ever after. Events followed each other in such quick succession the great President did not have an opportunity to impart to his associates his plans of reconstruction before he was removed from this earth by an assassin's bullet, and the earthly career of the "best-loved man

Digitized by Google

that ever trod this continent was translated by a bloody martyrdom to his crown of glory."

Though the soul of LINCOLN had returned to its God as white as it came, it left behind a grief-stricken Nation—a Nation in tears. He had won for himself a place in the hearts of his countrymen that will endure until the end of time. While we love our great benefactor as an individual, he loved us as individuals and collectively. The secret of his remarkable life was his intense love not only of man and mankind but of all nature. He was so constituted that he grieved at the pains and rejoiced at the pleasures of his fellows. His sympathy knew no bounds, going so far as to forget himself in his desire to be useful to mankind. It was his strongest instinct, inherited from his refined, gentle, and sensitive mother and wonderfully developed through his childhood association with nature.

LINCOLN'S lowly birth served to develop him to the fullest perfection and endowed him with the highest and noblest qualities in man.

His childhood association with running brooks, vine-clad rocks, and hickory forests teeming with song birds and overrun with wild flowers, had much to do with forming his simple, earnest, and truthful character.

He grew to man's estate with a heart in full sympathy with every phase of life, capable of consorting and sympathizing with all things. In this respect he differed from his associates, for they were only capable of sympathizing with a few things. Though many of them were intellectual giants, they lacked the power to develop a broad human outlook; they were limited to their particular point of view, the political, the social, the commercial, and the religious, and judged life accordingly. Hence, anything outside their contracted sympathies they condemned as a thing of evil, and spent their energy trying to save it from damnation.

What was true of LINCOLN'S associates applies with equal force to the men of this day and age. Prejudices and antipathies originating in birth are seldom eradicated, and never if the child is brought up in a narrow groove.

Our environment exerts upon us a strong incentive to think, act, and judge as others do.

Digitized by Google

LINCOLN'S success in life and his usefulness to mankind was his ability to rise above this parrot-like existence and to place himself in the position of others in order that he might understand them and be of use and service to them. Because of his broad, human, educated sympathies he was enabled to do this to a greater extent than any other historic personage of the world. There was no misguided sentiment in his make-up. Is it any wonder that, constituted as he was, he became the matchless leader of men? While an idealist in the truest sense, he was, at the same time, unusually practical and sound on all questions that affected man's relation to society.

That ABRAHAM LINCOLN was in fuller sympathy with mankind than any other man is evidenced by what he said and what he did for mankind during his earthly existence.

When a man said to him, "The people will go wrong on this subject," he replied, "Intellectually, probably they may; morally, never. In the multitude of counsel there is safety," said he, quoting from the Bible. Expressions of this kind flowed from his lips in countless number:

> God must have loved the common people, for He made so many of them.
>
> You can fool all of the people some of the time, some of the people all of the time, but you can not fool all of the people all of the time.

He always saw the distinction between an attempt to suppress public opinion and direct public opinion.

Our duty is to direct public opinion in the right channels; never to attempt to suppress it. That was LINCOLN'S philosophy, and his life and works are an exemplification of that philosophy.

Under LINCOLN the Nation had a new birth of freedom, and it is for us, the living, to dedicate ourselves to the preservation of that Nation to sustain which he gave the last full measure of devotion.

Mr. MCKINLEY. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. Hicks].

Digitized by Google

REMARKS BY MR. HICKS, OF NEW YORK

Mr. HICKS. Mr. Chairman, it is not for me to review the story of LINCOLN'S life or relate the memories and traditions which cluster around his name. That story, with its pathos and trials, its tragedies and triumphs, its humor and its sadness, has been told so often that it is impossible to illuminate the picture or add to the reverence and the homage which the world pays to ABRAHAM LINCOLN.

Born in obscurity, nurtured in abject poverty, he closed life's fitful course the grandest figure of his generation, the noblest contribution of America to an enlightened civilization.

> For many and many an age proclaim,
> At civic revel and pomp and game,
> With honor, honor, honor to him,
> Eternal honor to his name.

The life of LINCOLN, with its contrasts and contradictions, defies analysis and refutes the theory of heredity. The environment in which he was reared is in direct antithesis to the inspiring significance of his life. Misjudged, maligned, ridiculed, yet undaunted and undismayed, sustained by the unseen Hand that guides the destinies of men, he trod the weary path alone.

In that mysterious laboratory of Nature which knows naught of birth or wealth or station his brow was touched by the magic wand. Through the privations of his early years, in the gloom of struggle, the invisible flame within glowed with an effulgent light. In the quiet of the wilderness, by the blazing logs on the hearth of the rude cabin which to-day we venerate above the abode of princes, there came to him from the eternal silence of the starry sky that long, far call.

In LINCOLN were combined the noblest attributes of the mind, the heart, the soul. The stones in the foundation upon which was reared the structure of his life were simplicity, honesty, sincerity, and sympathy, bound together in enduring strength by his faith in his fellow men, his faith in his country, and his

Digitized by Google

faith in his God. Where was the touch that raised him to such heights? What was the loadstone of his power? Wherein lay the secret whereby he stands forth the embodiment of the ideals and the personification of the spirit of the Nation? We ask, but we ask in vain. No positive, final answer has vet been given to the query.

In the crisis through which the Nation is passing let us keep constantly before us the memory and deeds of LINCOLN; let his unswerving courage and lofty patriotism be our guide in this hour of trial and tribulation. We may be divided upon issues affecting our domestic policy, but upon the preservation of the rights and dignity of the Nation there can be no division. Upon that subject, Mr. Chairman, we stand united as Americans, and our determination to maintain absolute and inviolate the honor of the flag must rise supreme to all prejudice for or against any of the contending powers; superior now and always to the selfish interests of other nations. Let the spirit of LINCOLN the patriot, LINCOLN the American, strengthen our hands and give courage to our hearts, and so enable us to face the problems of the present as he met those of the past, with the full measure of devotion to our country.

The acclaim of loyalty and patriotism which wells from the hearts of the Nation's representatives on the floor of Congress upon every allusion to the name of LINCOLN is a benediction of the past and an inspiration for the future. Forgetting sectional animosities, rising above political prejudices, every State offers its tribute of affection and veneration to the memory of the martyred President and proclaims its loyalty and devotion to a great united country. The honor of that name is the heritage of all, North and South. The bitterness and the anguish engendered by the mighty conflict of a half century ago have faded away; the dark clouds of hate and jealousy which hardened the hearts of men on both sides of that struggle have given place to the sunshine of respect and confidence. Under the softening influence of that noble sentiment of LINCOLN, "With malice toward none and with charity toward all," the line of Mason and Dixon has been obliterated. Across the chasm

Digitized by Google

once drenched with the blood of heroes are extended the hands of brothers, brothers who like—

> The mighty mother turns in tears
> The pages of her battle years,
> Lamenting all her fallen sons.

To you gentlemen of the Southland in whose veins flow the blood of the soldiers in gray, who in your magnanimity claim that LINCOLN is yours as well as ours, let me answer, as one from the North, Yes; LINCOLN is yours as well as ours, and Lee is ours as well as yours. [Applause.] But in revivifying the memories of the past I would rather forget that there are any yours. I prefer to remember only that it is all ours; that American greatness and American heroism knows no section and belongs to no generation; that in our nationalism we are all Americans united in a common cause, possessed of a common love for country and for flag. [Applause.]

Mr. CLARK of Florida. Mr. Chairman, I yield two minutes to the gentleman from Missouri [Mr. Russell].

The CHAIRMAN. The gentleman from Missouri [Mr. Russell] is recognized for two minutes.

Digitized by Google

Digitized by Google

REMARKS BY MR. RUSSELL, OF MISSOURI

Mr. Chairman, I have no prepared speech, and will not in the short time I have make any extended remarks, but I want simply to express my favorable consideration and my approval of this bill, the purpose of which is to accept for the Government the cabin home and birthplace of ABRAHAM LINCOLN as a donation from the present owners, the Lincoln Farm Association of the State of Kentucky. I believe that is a patriotic and a proper thing to do, both because we owe it to the memory of this great man to accept this donation of his birthplace and because I believe it is important as an inspiration and encouragement to other boys of our country who have been or who may hereafter be born in humble homes and of humble parentage. It helps to impress upon the minds of all American boys that the humblest in birth or station among them may aspire to places of the highest distinction and honor.

I knew of LINCOLN when I was a boy. I remember the Civil War very distinctly, and when the war began, and when my eldest brother went to fight on the side of the South for four years. I as a child was prejudiced against ABRAHAM LINCOLN. I was taught to believe he was an enemy of the South; but before that war was over we took a different view of it, and our people got to believe that he was our friend, a patriotic man in the discharge of a great duty to humanity and to his Government. I was, as an 11-year-old farmer's boy, in the cornfield dropping corn on the 15th day of April, 1865. My father went to town to get his mail, and when he came back he told us that ABRAHAM LINCOLN had been assassinated. There was no man in this Union more deeply grieved than my father, and all of his family shared in his genuine grief.

I overheard the minority leader of this House [Mr. Mann] about five years ago say one day when Washington's Farewell Address was being read that he hoped the time would some time come when some Democrat would have the patriotism to read

Digitized by Google

in this House ABRAHAM LINCOLN'S Gettysburg speech. I accepted the suggestion, and four times on LINCOLN'S birthday, I have read that great and masterful speech, and with the permission of the Speaker of this House, I intend to read it every year on LINCOLN'S birthday as long as I remain a Member of this House. [Applause.]

Mr. MCKINLEY. Mr. Chairman, I yield 10 minutes to the gentlemen from Nebraska [Mr. Sloan].

The CHAIRMAN. The gentleman from Nebraska [Mr. Sloan] is recognized for 10 minutes.

Digitized by Google

REMARKS BY MR. SLOAN, OF NEBRASKA

Mr. Chairman, I can not hope to bring a new message on ABRAHAM LINCOLN to the House of Representatives. It is a tribute to the general intelligence of the American people that few men, either of learning or of experience, can bring any new message to the American people with reference to this primal American character.

I talked a short time ago with the author of this bill. He expressed the thought that seemed specially pertinent, that the discussion on this floor at this time should be related largely to the nativity, rather than to the achievements of America's statesman and martyr. I was pleased that in the preparation of the few remarks I shall submit I confined myself to facts touching his nativity rather than his achievements or death.

The devotees of Christianity have among their finest pictures, upon which has been expended the genius of many artists in all the ages, the "Nativity." The "Nativity" graces the walls of all the great art galleries where the divine touch of the artist has been made imperishable for the view and admiration of men. I trust that some American artist in the years to come will make classic the American "Nativity"; and that the subject will be the birthplace of ABRAHAM LINCOLN.

The LINCOLN homestead of which we speak has a record running first from the Crown of England to the colony of Virginia. Then resting in the State of Virginia, and finally through private conveyances it reached the name of Thomas Lincoln, the father of the martyred President. What a strange train of events has passed since the title granted by the Crown to the title now granted to the Republic. During that time, of course, there has been much added value. The acreage has been reduced and the wildwood has been removed. Spacious and imposing buildings have been erected thereon. There is carried, in addition to the value of realty, valuable personal property amounting to $50,000. But how insignificant is that added value when we consider the value that the name, fame, and achievements of ABRAHAM LINCOLN have contributed to the American Republic.

Clustering around LINCOLN'S natal year are grouped the birth of many characters far-famed for their achievements.

Digitized by Google

Charles Robert Darwin, whose study and communion with nature passed its artificial bounds, was born the same day as LINCOLN. He saw demonstrated far-reaching and progressive laws which, now indorsed by the scientific world, has advanced scientific research further than had been accomplished since Lord Bacon's inductive philosophy overthrew the system of Aristotle 300 years before. February 3, 1809, over in Germany, Mendelssohn, whose divine touch, combined with creative genius made him one of the world's princes of harmony, was born.

January 19, 1809, came Edgar Allan Poe, that weird poet of the night and storm, whose eccentric genius, both assailed and defended by critics, has left its impress on American verse, furnishing that rare accomplishment—a distinctive style.

In the same year Lord Tennyson, Britain's greatest laureate, was born in England. He said "Better fifty years of Europe than a cycle of Cathay." Well might it now be written: "Better a century of America than a millennium of Europe."

In that same year Gladstone, Britain's greatest statesman since the day of Pitt and Peel, first saw the light.

In America that year gave us Oliver Wendell Holmes, wit, humorist, poet, and philosopher, to lighten the hearts and instruct the minds of his countrymen.

That year also gave us Cyrus McCormick, who invented the American reaper, which has contributed so largely to our agricultural production.

In the Hall of Fame, based upon the world's general estimate, all of these occupy commanding positions, but easily towering above them all stands LINCOLN.

He first looked upon the sun from a lonely environment, the wildwood cabin in the then county of Hardin (now county of Larue), in the new State of Kentucky, which had at that time, through the chronicles of Boone and his contemporaries, earned the sanguinary appellation of "Dark and bloody ground." Christ was born, not in a walled city, nor yet in the contending capitals of Samaria or Jerusalem. His nativity was humble Bethlehem. The nativity of LINCOLN was not in intellectual Massachusetts, commercial New York, or chivalric Virginia. His parents were as unambitious as their forest home would

Digitized by Google

indicate. What ancestral strain of purpose, character, and mind with which he was endowed came from his mother. One of those mothers who, suppressed by her position and burdened by her cares, can seldom command the recognition due, except it be in the generation delayed, when the plaudits are given to the words and deeds of a wise or successful son. And in this way will the American people remember Nancy Hanks Lincoln.

At this time Thomas Jefferson, the inspired author of the Declaration of Independence and the strict constructionist of the American Constitution, was just closing his second presidential term. Napoleon had but recently strengthened America and weakened Europe by the sale of the Louisiana Territory to the United States. He was at that time walking on the writhing forms of European kings. The sun of Austerlitz had risen, Jena and Friedland had been won, and Europe rocked at his feet as he stood at the zenith of his power, while kings became his subjects, and emperors, to no purpose, were combining against him. When LINCOLN was born, there was yet to come the conflagration of Moscow, the snows of the north, Waterloo, St. Helena, and a rocky tomb. Such was the setting surrounding the date which ushered ABRAHAM LINCOLN into the world.

Nor would this setting be complete if it were not noted that in the same dark and bloody realm, in a community now part of the county of Todd, within less than a year of LINCOLN'S birth, Jefferson Davis was born. Less than a hundred miles separated their birthplaces, but throughout their momentous careers there was little convergence, yet had a strange relation.

Two companion snowdrops, pure, clear, and crystalline, as they fall touch the loftiest peak of the mountain chain. They freeze into a mighty mass, which yields to nothing except the wooing of the summer sun; and while they lie but a few inches apart, in their melting mass each moves down a different slope; each finds its mountain torrent conveying it to flooded river, and that swollen river to the sea. One reaches the turbulent Atlantic, the other the peaceful Pacific. Davis moved southwardly to Mississippi, the then great cotton State, where slavery thrived. LINCOLN found his way through Indiana to the prairies of Illinois, where labor was free.

Digitized by Google

One year's schooling was the measure of LINCOLN'S scholastic opportunity. Jefferson Davis, well taught, was later educated at West Point.

Each presided during four years of tragedy over a Republic. The one Republic struggled for an existence, the other battled to maintain its integrity undiminished. There was citizenship sufficient for the two greatest Republics on earth, but I rejoice to hear from either side of this hall the satisfaction that but one remains.

The cabin home this afternoon being considered was in the State which produced these two great characters. In that great struggle it seemed, as it were, that that State could not decide between the fortunes of her two matchless sons. It presented a divided allegiance. This measure furnishes to-day a fitting text for fraternal, patriotic sentiment from every part of this expanded Union.

Above his body at the Springfield home stands a monument viewed annually by tens of thousands. At the entrance to the great park at Chicago which bears his name, in heroic mold stands in imperishable bronze one of the most imposing statues of America. It was a triumph of the genius of St. Gaudens, America's premier sculptor. Hundreds of thousands who visit the great metropolis by the lake view it annually, departing with inspiration of renewed partiotism. At the National Capital soon to be completed near the scene of his activities, is a magnificent Greek temple erected to the memory of LINCOLN. Few out of the multitudes annually visiting Washington will fail to visit it and render tribute to LINCOLN'S memory. But down in Kentucky is the fourth LINCOLN shrine. In point of reference and sequence it should be first, because it points to origin as the others call our attention to achievement, fame, mortality. Collectively they evidence to all the ages the miracle of the Republic. Humility of origin with greatness of soul are the stepping stones to primacy among men. [Applause.]

Mr. MCKINLEY. Mr. Chairman, I yield one-half a minute to the gentleman from Ohio [Mr. Fess].

The CHAIRMAN. The gentleman from Ohio [Mr. Fess] is recognized for half a minute.

Digitized by Google

REMARKS BY MR. FESS, OF OHIO

Mr. Chairman, listening to the address of Gen. Sherwood, a reference to a certain event—the bombardment of Fort Sumter—indicated to me that the significance of the vote to-day will be intensified when we recall that this is the anniversary of the opening of the Civil War.

Fifty-five years ago to-day Edwin Ruffin fired the first gun at Fort Sumter, and I thought that it would be significant just to remind Congress of that incident.

And 51 years ago day after to-morrow will be the anniversary of the assassination or of the shot that eventuated in the death of ABRAHAM LINCOLN, so that these two incidents give intensity to the vote upon this occasion to-day. I wanted by recalling those incidents of that particular time to refresh the memory of the House.

Mr. MCKINLEY. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. Switzer].

Digitized by Google

Digitized by Google

REMARKS BY MR. SWITZER, OF OHIO

Mr. Chairman, it will always be to me a fond remembrance to recall that as a Member of the American Congress I not only had the opportunity but that I availed myself of the privilege to vote for the appropriations made for the construction of that magnificent memorial, now nearing completion, in the Capital of the Nation to the memory of the great Civil War President, "God's grandest gift of man to men"—ABRAHAM LINCOLN. From the ranks of the frontiersmen he rose to the Presidency of the Nation. This obscure country lawyer did not believe that the Nation could survive half slave and half free. He was firmly convinced that "a house divided against itself could not stand." Regardless of the contention that it would be unconstitutional so to do, he found a way to liberate 4,000,000 bondsmen and still preserve the Union.

Charged with the commission of all manner of high crimes and misdemeanors and unconstitutional acts while in office, no man was more reviled than he; yet to-day no name is more lauded and revered than his. All sects, creeds, and parties vie with one another in loud protestation of their great loyalty and high respect for the opinions held and for the principles and policies advocated by ABRAHAM LINCOLN. Time has vindicated the absolute justice of his course, and silenced the carping criticisms of his enemies beyond the peradventure of a murmur.

In dedicating to the Nation the birthplace of this illustrious American, Kentucky gives renewed luster and added fame to her already immortal name. The Nation through its Congress accepts this token of high respect to the memory of our martyred President as the most magnanimous of the many generous and noble deeds for which the people of the great State of Kentucky are so famed. The dark and bloody ground, the home of Daniel Boone and other noted pioneers, by this patriotic act is consecrated anew to that Jeffersonian idea of liberty, the

Digitized by Google

equality of all men before the law, which was ever so near and dear to the heart of ABRAHAM LINCOLN. As the generations come and go, we trust that they may not only travel to the last resting place of this great man and visit the Nation's memorial to his name, but that they may also journey to the scenes of his childhood, and at the fountain head of his noble life drink deep the holy inspiration which has animated this tribute of patriotic citizens to the crowning glory of the Nation—the final memorialization of the birthplace, the life, and the last resting place of LINCOLN. [Applause.]

Mr. MANN. I yield five minutes to the gentleman from Vermont [Mr. Dale].

Digitized by Google

REMARKS BY MR. DALE, OF VERMONT

Mr. Chairman, a new Member finds it interesting to watch a bill on its way through this House and to observe the statements that carry effect in its passage.

During the past week there have been indications that sectional and conflicting interests will continue as long as there is water in rivers and harbors; but, Mr. Chairman, to one coming from the far North and meeting in this forum the generous, loyal men of the South it is pleasant to quickly perceive that the time is past when argument can gain force here from those old war issues that lie buried under principles that we now all welcome as immortal. [Applause.]

When we speak here of the leaders of that period of strife that was we summon quickest response at mention of the human sympathy in each for all the embattled hosts. In the final judgment of mankind upon the great men of history it is kindliness which survives the brightest. It is that which ennobles the manner in which the heavy obligations of the South were assumed when they were laid on the well-nigh breaking heart of Robert E. Lee. Because the man of whom we speak to-day was, in his high position, distinctly gentle and considerate, Members from the Southland give cordial support to this pending measure. For this reason they express tender and heroic sentiments that are tributes of the finest nature to the character of ABRAHAM LINCOLN. Artistic skill may well exhaust itself in memory of the kindliness of this supreme man; but the substance of the expression of that quality is elusive, and it may leave the marble hall for the log cabin, its natural home. There we find the best expression of that broad sympathy that went out through all the cabins of the North and of the West and awakened heroic impulse in the youth of the common people.

When the Third Regiment from the State of Vermont was formed it included many men who were born in log cabins. In

Digitized by Google

that regiment, as it camped up here on the Potomac 10 miles away, was a boy, William Scott, who, while doing double service for his comrades, fell asleep on picket, was court-martialed, and condemned to be shot. Then in the darkness of the night the President of this great Nation at war, wearied as he must have been, ordered his horse and carriage and rode out to save the life of that young boy. In the pitiful affair at Lees Mill he fell, whispering a prayer for ABRAHAM LINCOLN. Enlisted with him were three Stevens brothers, sons of a widowed mother in my home. One of those boys fell at Lees Mill, one was the first to be shot out here on the Rockville Pike in the battle for the defense of this Capital, and one went home disabled for life. These boys and all those like them felt the inspiration of this great man, and it enabled them to face danger more easily, and it took away from them the sting of death.

Incomparable man that he was, where do we find the source of his inspiration?

In that humble home there came to him, earlier than memory, the consciousness of one who was the very substance of patience and tenderness and mercy, and was to him the origin of justice. In her face he beheld first the expression of the infinite qualities that made his own character sublime. In that there is reason enough to save the old log cabin.

All his life was unnatural in that it forced ill causes to good effects. In form and feature he was rough shapen and plain, but through relief of agony to many he became the handsomest man in all the world. The legislature rejected him for the Senate, and out of disappointment he made humor by saying that he felt like the boy who stumped his toe—too hurt to laugh and too big to cry.

He came to his inauguration in a guarded train along a line where the telegraph wires had been cut that men might not shoot him, and above the cloud of threatened intent rose the spirit that impelled him to drive all night to save a boy from being shot.

The multitude besieged him to dull weariness, and it made sensitive a tone in his nature that felt response to the cry of an infant in the throng, and he said, "Send in next that woman with a baby." He was called a countryman, unfit for official

Digitized by Google

place, but when the telegram came from the man in command of the Armies in the great crisis of the war indicating the fearful loss of life that must follow, Dr. Edward Everett Hale, observing him as he moved among and counseled with the polished and able gentlemen of his Cabinet, said that his grace of manner and wisdom of expression were superb. When at last that group of eminent statesmen who had concurred in the opinion that he lacked the ability to be President stood over him, and it was said "now he belongs to the ages," his life closed in a splendor of blending contrasts.

In that rude shelter of his childhood there dwells more than in statue or memorial the emotion of that process by which his own want increased his sense of human need and made him generous.

The common comforts of life, the just estimate of men, and all the elements of equity, he knew only through the giving of them to others.

Out of longing that grew intense by denial the very passion of his humor and tenderness and mercy became supreme. That which he found not for himself he gave in abundance to others, and his whole life was passed in bringing from resisting conditions marvelous results.

Nothing indicates so well the life that was itself a contrast, a paradox, the meager compensation that came to him and his rich bestowment to the Nation as the log cabin and the marble hall by which it is inclosed.

Ah, Mr. Chairman, let us preserve this old log cabin, that generations may learn from it the qualities that there had birth and are changeless and deathless forever. [Applause.]

Mr. CLARK of Florida. Mr. Chairman, I yield 10 minutes to the gentleman from Kentucky [Mr. Barkley].

Digitized by Google

Digitized by Google

REMARKS BY MR. BARKLEY, OF KENTUCKY

Mr. Chairman, if it were necessary to apologize to the House on this occasion for occupying its time for a few moments, I feel that it would be sufficient to say that my reason for speaking is not only the fact that I, in part, represent the State in which LINCOLN was born, but also from boyhood I have been tremendously interested in his character and career.

It is very appropriate that during this year the LINCOLN farm should be donated to and accepted by the Government of the United States, for it is the one hundredth anniversary of the removal of ABRAHAM LINCOLN from Kentucky to Indiana, he having crossed with his family the Ohio River in 1816, never thereafter having returned, so far as I know, to the place of his birth.

If time were afforded I should like to recount the names of those men who, during the history of this Nation, have gone out from Kentucky to bless the civilization of every State in the Union and the Nation itself as a whole. If I could recount the names of the governors and Senators and Members of this House, the ambassadors to foreign nations, the ministers of the Gospel, the teachers of men, and the long list of worthy sons in every walk of life, whose birthplaces were in the same State in which is located this remarkable home which gave LINCOLN to the Nation, I am sure I might be able to enlist your admiration for the product of that great State on whose soil LINCOLN himself was born. To Kentucky has frequently been ascribed the honor of producing a variety of things for the benefit of humanity, but I think we may properly, on this occasion, refer to the great men, as well as the great women, who have gone out from that State and mingled with the people of every section, all with honor to themselves and credit to their native State.

In all this list two names stand out preeminent. One is the name of Jefferson Davis and the other is the name of ABRAHAM

Digitized by Google

LINCOLN. We frequently marvel at the peculiar and fortuitous circumstances by which the careers of men are hedged about. But who can explain on any other theory than the guidance of a providential hand the fact that both Jefferson Davis and ABRAHAM LINCOLN, rival leaders in the great Civil War, were born under Kentucky's sun, and were nestled to the bosom of two of her noble women?

I shall not attempt in this brief address to refer, except incidentally, to the statesmanship or to the achievements of LINCOLN in public life, because, after all, these are not the things that grip our hearts; these are not the things that cause us to shed a tear to-day over the grave of ABRAHAM LINCOLN. I prefer, on this occasion, to let my mind run back to the little humble cabin in Kentucky, where LINCOLN, in 1809, first looked upon a world of wonders. I prefer to think of him "cooning" a log across Knob Creek at the age of 5 and falling into its waters and having to be pulled out by a companion just in time to prevent him from drowning. I prefer to think of him at the age of 7, holding to his mother's hand, as he and she performed their last duty before leaving Kentucky by visiting the little grave of the baby boy who was born and died in those lonely hills, from which, so far as I am aware, he was never removed. I prefer to think of LINCOLN to-day reading the Holy Scriptures to his mother night after night as she lay upon her deathbed in that lonely home in Indiana.

I prefer to think of him as he wrote his first letter, at the age of 10 or 11, asking an old Kentucky preacher, whom he had known before his removal to Indiana, to come over and preach his mother's funeral, a service which could not be performed for lack of a minister at the time of her burial. I prefer to think of LINCOLN to-day as he wept over the grave of beloved Ann Rutledge, his heart bleeding as no other heart could bleed, and exclaiming as he fell upon the new-made mound: "Here lies the body of Ann Rutledge and the heart of ABE LINCOLN."

These are the things that endear LINCOLN to us and to our memory, because these are the things that touch our sympathy; these are the incidents which appeal to us most strongly in the early life of him whose whole career comprises the greatest

Digitized by Google

individual tragedy which has been enacted upon the stage of American national life. These touch the tender chords and the wellsprings of the human heart, and we forget the Gettysburg speech and the second inaugural address and the Douglas debates. We forget his struggle with his Cabinet and with the tremendous problems with which he was surrounded and confronted. All these things for the day are put aside, and we remember the lonely, tragic boyhood of this wonderful man and faintly realize the moral foundation, formed as he passed through these crucibles of the human heart, which enabled him to give expression in the heat of a great political campaign to the sublime sentiment, "I am not bound to win, but I am bound to be right," a sentiment whose meaning ought to be applied with double force in the perilous times in which we live both to public problems and to public men.

As we think of this great character, coming as he did from Kentucky, we remember with great pride that in his veins was infused the same blood and in his heart the same spirit that emboldened Daniel Boone, the Kentucky pioneer, to cut and fight his way into a wilderness and help to carve out of it one of the greatest Commonwealths of this Nation, for LINCOLN himself was a relative of Daniel Boone, his grandfather having been a cousin of the great pioneer. And I am glad to say in passing that this rugged courage which guided the life of LINCOLN and of Boone is still to be found among the sons of old Kentucky, for we have it typified in the rugged honesty and sterling character of our own Speaker of the House, Champ Clark, of Missouri, who himself was born and reared in Kentucky, and also in the leader of the minority, Mr. Mann, who although not having been born in that State itself, yet boasts that his forbears came from that soil which gave to the Nation and to the world Jefferson Davis and ABRAHAM LINCOLN. [Applause.]

We have heard many stories of LINCOLN, and I confess that I never tire of reading or hearing the stories about him. These stories which illustrate the humanity of LINCOLN are not confined to his boyhood, nor to his young manhood, but are found all through his mature manhood, when the burdens of public

Digitized by Google

duties were heaviest upon his shoulders. The other day I read a very pathetic story which touched my heart, and which illustrates forcibly the truth of the quotation, "He who stoops to lift the fallen, does not stoop but stands erect." There was a schoolhouse somewhere near the back yard of the White House, and as the boys played across the fence, from day to day, LINCOLN frequently went out to watch them. One day the teacher decided to give the boys a lesson in neatness, and commanded them that they should have their shoes fresh shined before coming to school the following day. The next day the boys came to school with their faces and hands clean, with clean clothes upon themselves, and with their shoes all shined. There was one little one-armed boy, however, the son of a dead soldier who had given his life in the Civil War, whose mother made her living here in Washington as a washerwoman, who had no blacking in the house, and consequently he undertook to shine his shoes with stove polish. When he reached the school, his shoes shined with stove polish, the other pupils began to ridicule him, and his little heart was filled with sorrow and humiliation. Mr. LINCOLN, hearing the gibes at the little one-armed fellow, made a detailed inquiry and ascertained the cause of the trouble. The next day Mr. LINCOLN took this little boy and bought him two new pairs of shoes, two suits of clothes, and bought for his sisters new linen and dresses, and sent groceries and clothes to the home of his mother. He then put in the boy's hands a note to the teacher, in which he asked her to place upon the blackboard the following words: "Inasmuch as ye have done it unto one of the least of these, my brethern, ye have done it also unto Me." A few days later he took occasion to visit the schoolhouse in person, and finding the quotation still on the board, he asked for a piece of crayon, and going to the board he said, "Boys, I have another quotation from the Bible in my mind that I want to put under this other one, that you may observe it and apply it to your future lives." And then he wrote, "It is more blessed to give than to receive," and wrote under it his simple signature, "A. LINCOLN."

Mr. Chairman, in the turmoil of our modern-day politics, in the confusion of our political rivalry, and in the narrowness and

Digitized by Google

bitterness of our partisan fights in Congress, let us to-day rekindle our hope and faith in the destiny of that Nation to which LINCOLN gave his life and let us hope that in the years that are to come we and our children and our children's children for a thousand generations may more and more appreciate the simplicity and sublimity of LINCOLN's character, to the end that we may contribute to the consummation of that spirit of public devotion and common well-being which will enable us to say with him, "I am not bound to win, but I am bound to be right." [Applause.]

The State of Kentucky is glad to give to the Nation this humble, yet sacred little farm, whose one great product is to-day the admiration of the world, and when future generations shall view this little home, this log cabin in the hills of Kentucky, may they be inspired with the hope that the flag which hangs above your head, for which LINCOLN, as well as countless others before and after him, gave all that they had—their lives—and the Union for which it stands, may always mean what he thought it ought to mean, the equality of man before the law, and the equality to pursue the legitimate objects of happiness and of service without regard to clime or creed or section. [Applause.]

As the Nation will this day accept the gift of the LINCOLN farm, may we not hope that at a day not long postponed a similar acceptance may be registered of the Davis home, and that these two spots, not far from each other in the soil of Kentucky, may be enshrined in the love and imagination of patriots everywhere, typifying the reunion of heart and hope and hand through which our common country shall more and more become the land of opportunity and the beacon light of liberty for us and all who shall follow us, which shall become brighter and brighter unto the perfect day. [Applause.]

Digitized by Google

Digitized by Google

REMARKS BY MR. RAINEY, OF ILLINOIS

Mr. Chairman, 52 years ago the campaign for the reelection of ABRAHAM LINCOLN was opening. The real issues were surprisingly similar to the issues of to-day. The same arguments were being used for and against the reelection of LINCOLN as are being used to-day and will be used throughout the campaign which is opening for and against the reelection of President Wilson.

LINCOLN STRONGLY OPPOSED BY PROMINENT LEADERS IN HIS OWN PARTY, BUT HIS STRENGTH WAS WITH THE PEOPLE.

On page 183 of the very excellent work of A. K. McClure, Our Presidents: How We Make Them, Dr. McClure calls attention to the fact that prominent leaders of LINCOLN'S own party were bitterly opposed to LINCOLN and were opposed even to accepting him as a candidate. Chase, Wade, Henry Winter Davis, and Horace Greeley were among those who did not think LINCOLN would make the best candidate. Sumner was not heartily for him. Stevens was earnestly opposed to him "because he had not pressed confiscation and other punishments against the South, and the extreme radical wing of the Republican Party was aggressive in its hostility. LINCOLN'S strength was with the people, and they overwhelmed the leaders who sought his overthrow."

There are, however, few, if any, men prominent in Democratic councils who are opposing the candidacy of Mr. Wilson; but the real strength of the President is with the people.

In his Twenty Years of Congress, volume 1, page 530, James G. Blaine, commenting upon the presidential elections of 1864, calls attention to the fact that it seemed that LINCOLN would be defeated. President LINCOLN thought so himself, but the crisis through which the country was passing soon brought an end to mere political controversies.

Mere political feeling largely subsided and the people were actuated by a higher sense of public duty.

Digitized by Google

In this connection Mr. Blaine also says:

The argument for Mr. Lincoln's reelection addressed itself with irresistible force to the patriotic sentiment and sober judgment of the country.

The Nation is passing through a crisis now in its history as great as the crisis which confronted the country during the campaign of LINCOLN for reelection in 1864. Fortunately under one flag, the 48 great States of this Union stand united against the international perils which confront us. Alone among the great nations of the earth, we must accept the task of keeping brightly burning upon the seas, as well as on the continents, the lights of civilization. We can not shrink within our national boundaries and avoid the duties imposed upon us in this great crisis of the world's history. We can not permit the nations of the earth to sink back into the darkness of the medieval night. We confront a world in arms. Under the wise guidance of President Wilson we have so far been able to uphold the standards of civilization and escape participation in the present struggle. It is not wise to adopt any other leadership.

DISAPPOINTED OFFICE SEEKERS IN 1864 AND IMPATIENCE WITH MR. LINCOLN'S CONSERVATIVE METHODS.

The disappointments among those who had not succeeded in their ambition to secure appointive positions were more marked during LINCOLN'S second campaign than now. The Republican Party was absolutely new in national politics. Thousands of men who had been interested in its prior campaigns and who had fought hard for the things the party stood for had not been able to obtain the appointments they desired. LINCOLN had at his disposal more appointive positions than President Wilson has had at his disposal. There was no civil service in those days and the appointments were both civil and military.

James G. Blaine, on page 514 of volume 1 of his Twenty Years of Congress, calls attention to this situation:

A part of the hostility was due to a sincere though mistaken impatience with Mr. LINCOLN'S slow and conservative methods and a part was due to political resentments and ambitions. The more radical element of the party was not content with the President's cautious and moderate policy, but insisted that he should proceed to extreme measures or give way to some bolder leader who would meet these demands. Other individuals had been

Digitized by Google

aggrieved by personal disappointments, and the spirit of faction could not be altogether extinguished even amid the agonies of war. There were civil as well as military offices to be filled, and the selection among candidates put forward in various interests could not be made without leaving a sense of discomfiture in many breasts.

PRESIDENT LINCOLN IN THE GREAT CRISIS WHICH CONFRONTED THE NATION FREQUENTLY CHANGED HIS MIND

President Wilson is charged with changing his position on important economic questions. In this present period of rapid kaleidoscopic changes in world affairs men who stand still will soon find themselves standing alone. The charges of changing his mind and of vacillation urged with such insistence against President Wilson at the present time were urged with equal insistence and vigor against President LINCOLN during the campaign of 1864, and in order to meet the arguments along this line it was necessary, in the month of October, 1864, to bring back from the front a popular military hero to deliver an address, which was at once widely circulated, on this very subject. The meeting was advertised for the 9th day of October, 1864, and on that day one of the greatest mass meetings of the campaign assembled in the city of Brooklyn. The military hero who was brought back from the front to address this great meeting was Maj. Gen. Carl Schurz. President LINCOLN had already made an answer to the charge of changing his policies. After reviewing the policies and the particulars upon which President LINCOLN had changed his position, with great force and effect, Gen. Schurz, in his speech on that occasion, quoted from LINCOLN as follows: "I am not controlling events, but events are controlling me." The speech was printed in the New York papers of October 10, 1864, and was widely copied throughout the country. People saw at once the force of LINCOLN's position, and so at the present time, in the great crisis which confronts us amidst changing world conditions, when our industries are reaching out for a world trade they never had before, and when the charge of vacillation and changing his mind is made against the President of the United States, we can reply, as LINCOLN replied over a half century ago, the President is not controlling events; events are controlling him.

Digitized by Google

THEY CALLED LINCOLN NAMES AND ABUSED HIM

At the present time vile, scandalous terms are being used by critics of President Wilson and his policies in the magazines and newspapers of the land. These terms are being used by writers from the caliber of Owen Wister, with his mastery of English, down to the most insignificant penny-a-liner who writes for metropolitan papers in great cities, but they have not been able to invent as many opprobrious words as were used by the critics of LINCOLN in 1864. The New York Daily Tribune of Tuesday, September 6, 1864, assembles some of the names used by the opponents of LINCOLN in and out of his party in the campaign of 1864. According to the Tribune these are some of the names applied to LINCOLN during that campaign: "Filthy story-teller," "despot," "big secessionist," "liar," "thief," "braggart," "buffoon," "usurper," "monster," "Ignoramus Abe," "old scoundrel," "perjurer," "robber," "swindler," "tyrant," "fiend," "butcher," "land pirate," and other pleasant epithets.

The article in the Tribune assembling these terms concludes as follows:

> The vocabulary of billingsgate is limited and their ammunition of abuse may be exhausted before the day of battle.

So may we not hope in this campaign that the vocabulary of billingsgate, in which so many of the President's opponents are apparently so splendidly skilled, and their ammunition of abuse may be exhausted before the day of battle? But whether it is or not it will have no effect on the final result.

NOT BEST TO SWAP HORSES WHILE CROSSING STREAMS

This was the argument which prevailed in LINCOLN'S second campaign, and in the strangely similar campaign which opens now before us this appeals most strongly to men of all parties. The phrase is not a new one. It has been used in American politics from 1864 to the present time. Its origin, however, has become obscured. It may be interesting at the present time in this connection to call attention to the origin of this

Digitized by Google

expression which had such tremendous effect in the campaign of 1864.

The Republican convention closed its sittings at Baltimore on the 9th day of June, 1864. On the next day a committee selected by it assembled in the East Room of the White House and Gov. Dennison, who had been president of the convention and who was chairman of the committee, addressed the President officially, conveying to him the information as to the action of the convention. President LINCOLN replied, accepting the nomination conferred upon him and approving the platform declarations. This meeting in the East Room of the White House, however, attracted not the slightest attention in the campaign which followed; but on the afternoon of that day a number of the members of the National Union League informally called on the President at the White House to congratulate him upon his renomination. In the entirely extemporaneous address made by LINCOLN on this occasion he was at his best, and it was in this address that he sounded the keynote of the campaign which followed. After expressing his thanks for the personal compliments paid to him on that day he assured his callers that the only compliment he was entitled to appropriate was the one expressed to the effect that he might hope that—

> I am not entirely unworthy to be intrusted with the place I have occupied for the last three years. I have not permitted myself, gentlemen, to conclude that I am the best man in the country, but I am reminded on this occasion of the story of an old Dutch farmer who remarked to a companion once that "it is not best to swap horses when crossing streams."

The story was new in national politics. It was greeted with tumultuous applause and laughter when LINCOLN related it in the White House on the afternoon following the adjournment of the Baltimore convention. It was reported the next day in the New York Daily Tribune and was copied throughout the country. It found a place in the campaign literature and on the campaign banners used in 1864. During the present campaign which so strangely parallels the second LINCOLN campaign it can appropriately be used again.

Digitized by Google

On the night of June 9, at a great meeting at the Cooper Union Institute in New York City, the Rev. Dr. Buddington, of New York, in his eloquent address caught the spirit of the approaching campaign and alluded to Mr. LINCOLN as the man "who was and is leading the people as Moses led the children of Israel through the Red Sea," and this phrase, along with the homely story of LINCOLN, became popular throughout the campaign which followed. The story told by LINCOLN had its effect again when one week later the great hall of the Cooper Institute in New York was again crowded at the ratification meeting of the Central Union LINCOLN Campaign Club, of New York. On the platform were Peter Cooper, Theodore Tilton, and others, but the greatest enthusiasm was provoked by the speech of Hon. Charles S. Spencer, the president of the club, when he said:

> We have no disappointing ambition, no personal revenge to gratify. As the President has stood by the country in the hour of trial, so stand we by the President.

I can think of no better expression than this with which to depict the sentiment which ought to prevail and will prevail in the campaign which opens now for the reelection of President Wilson, 52 years after the speech of Mr. Spencer was delivered.

The New York Daily Tribune of Wednesday, September 14, 1864, calls attention to the appeal for the reelection of LINCOLN sent out by the national union committee from its headquarters in New York City. The appeal went out on the 9th day of September, 1864. It was a stirring appeal for the reelection of LINCOLN. It was in harmony with the sentiment which dominated the campaign. That part which appealed most strongly to the country, and which those who favor the reelection of President Wilson can appropriate at the present time, read as follows:

> We call upon you to stand by the President, who under circumstances of unparalled difficulty has wielded the power of the Nation with unfaltering courage and fidelity, with integrity which even calumny has not dared to impeach and with wisdom and prudence upon which success is even now stamping the surest and the final seal.

Digitized by Google

In Edward Stanton's History of the Presidency, on page 299, referring to Mr. LINCOLN'S reelection, he calls attention to LINCOLN'S story, which he does not quite correctly quote, and says:

> Mr. LINCOLN neither obtrusively urged himself as a candidate for reelection nor made any coy professions of unwillingness to be chosen again. He was simply and frankly a candidate. He believed that it was best for the country, under the circumstances, that he should be continued in office. It was not good policy "to swap horses while crossing a stream."

IMPORTANT ISSUES OF 1864 AND 1916 THE SAME.

No matter how much we may differ on the question of the tariff and on other economic subjects, we must all agree that the crisis through which we are passing as a Nation at the present time is as important in its consequences as the crisis of 1864. The same questions of soul-stirring patriotism appear again, and, strangely, the same methods used against LINCOLN in the campaign of 1864 are being used now by the enemies in all parties of President Wilson. May we not hope that the shafts of envy and malice aimed now against President Wilson will fall as harmlessly to the ground as they did in the second LINCOLN campaign? It was not best 52 years ago, it is not best now "to swap horses while crossing streams."

Digitized by Google

Digitized by Google

REMARKS BY MR. MADDEN, OF ILLINOIS

Mr. Speaker, in a log cabin on the banks of the Sangamon River, a small stream emptying into the Illinois River, there lived about 83 years ago a long, lank, homely, sad-eyed rail splitter, unknown save only to his parents and a few scattering neighbors, who, like himself, were eking out by the hardest kind of labor a mere existence in a then wild and unpromising section of this the home of the free and the land of the brave. He was not employed by the hour, day, week, month, or year, nor did he receive a daily wage as compensation for his labor. He worked from sunup to sundown, and when he had piled up 400 rails he received from a poor widow in exchange therefor enough homespun cloth to make him or his father a pair of trousers.

He was a Kentuckian by birth, and moved, when a young man, with a worthless father, a carpenter by trade, to the State of Indiana, and after sojourning there for a short time came on to Illinois, where they built a log cabin on a bluff near the River Sangamon, when the young man soon became famous, not only as the champion rail splitter of his county, but also for his ability to dispatch hogs with lightninglike rapidity, and for which service he received the munificent sum of 30 cents per day.

His rail-splitting and hog-killing proclivities did not constitute all of the qualifications which this young man possessed and which made him the envy of his many rural competitors. He could run faster, jump farther, strike harder, and could throw down with great ease any man bold enough to question his physical superiority; and, although at this time his mental strength did not keep pace with his physical greatness, he could read, write, and cipher, and, above all, he could be relied upon and was absolutely honest, a characteristic which, like the rugged mountain peak, rises majestically above the clouds.

Digitized by Google

Young LINCOLN gave up the rail-splitting industry to engage in the grocery business; but having an inborn dislike for business precision and indoor confinement he speedily abandoned that avocation to engage in the more agreeable pastime of fighting Indians. He had himself elected captain of a military company in 1832 and proceeded to put his company in condition to end the Black Hawk War forthwith; and, although it is not recorded that he ever saw an Indian during that engagement, it is a matter of record that his failure to meet the enemy was no fault of his.

Having political ambition and being popular with his neighbors, who for the most part were a sorry lot of very poor people, he, in 1833, by such methods as are perfectly familiar to those who are in politics and in the same way now employed—we have not improved much upon LINCOLN'S manner of doing politics—ingratiated himself into the good graces of his Congressman and was appointed postmaster, in which position he familiarized himself with current happenings by reading to his patrons newspapers, postal cards, and other publications which came into his official hands for distribution and delivery. His office, as can well be imagined, was a meeting place for all sorts of quaint characters, who came in crowds to listen with admiration to the witty and wise sayings of their foremost fellow citizen. The official duties of this governmental dignitary were not arduous—in fact, it is said that he carried the mail in his hat, and when transporting even his heaviest mail in this way there was ample room for a head destined in the near future to furnish intelligence enough to rule with matchless splendor and success the greatest nation on the face of the earth.

LINCOLN at this time had, of course, no intimation of his ultimate greatness, and it is doubtful if he had ever dreamed of representing in an official capacity a greater number of his fellow citizens than were then residing in the little village over which he presided with great dignity as postmaster. The germs of greatness were in him, however, and were being slowly developed by Almighty God to fit him, when the emergency should come, to grapple with and master the greatest and most complicated national problem that has ever fallen to the lot

Digitized by Google

of man to solve. True, he was ambitious, and wisely seeing that his manly character and his native wit had given to him a place of political prominence among his fellow townsmen, it was perfectly natural that he should seek still higher ascendancy in the political firmament, and having natural inclination to orate he became a candidate for the State legislature in 1832 and took the stump. It is written down that his speeches were calculated more to amuse than edify, but with a persistency characteristic of all western men of ambition, and remembering the precept that "Where ignorance is bliss, 'tis folly to be wise," he sailed in and told his rustic hearers all about the affairs of government and a lot more. The following was his maiden speech as a candidate for the legislature:

Fellow citizens, I am humble ABRAHAM LINCOLN. My politics are short and sweet, like the old woman's dance. I am in favor of a national bank, of internal improvements, and a high protective tariff. These are my sentiments. If elected, I shall be thankful; if not, it will be all the same.

He was defeated, but having taken on considerable knowledge by his experience and the persistent reading of books, he did not complain or cuss his successful competitor for this high office, but like a good American citizen he went to work and bided his time. Again he tried the grocery business, and again he failed. Somehow he seemed to be unfitted for the business of selling the products of the soil Possibly the alluring smile of his customers when they saw the scales tip in their favor had something to do with it. Anyhow he failed. Anybody else, easily discouraged, would have, after so many adversities, gone back to the rail-splitting business. Not so with LINCOLN. He took to the study of the law, and by so doing he hoped to add to his political success, and at the same time to fit himself so as to render competent legal services to some unfortunate fellow man after he should have mastered the intricacies of human jurisprudence. His great aim in life was to help his brother man, and to do this he was ever ready to give up his life. While studying law it became necessary to keep body and soul together; he became an assistant surveyor, and by hard study equipped himself to perform the services of such an employee

Digitized by Google

in six weeks. About this time the sun began to shine through the dark clouds of despair which had hung over him, and LINCOLN grew more optimistic—he never was a pessimist, but always seemed sad. He purchased a decent suit of clothes, the first he had ever had, made the acquaintance of prominent men, and profited by their acquaintance.

In 1834 the people of the State of Illinois elected a new legislature, and LINCOLN was one of the successful candidates. The State capital was then located at Vandalia, and LINCOLN was prominent in having enacted into law a bill removing it to Springfield. Aside from this bit of wise legislation nothing was done in which he played a prominent part calculated to create an impression that he was soon to become in fame second only to Washington, but in the succeeding legislature, to which he also was elected, he and his colleague, Daniel Stone, the two members from Sangamon County, introduced the famous resolution declaring that the institution of slavery "was founded on both injustice and bad policy."

In 1837 LINCOLN was admitted to the bar and moved to Springfield, a village of some 1,500 people. In 1838, at the age of 29, he was again elected to the legislature, where he continued assiduously, by wise legislation, to better the condition of the people. He found time to carry on the practice of law and was reputed to be a good lawyer, although his services as such, being respectable, was not great.

LINCOLN was a born politician. His heart was in the work, and it was in this prolific field that his great achievements were accomplished. He did not like the technicalities of the law, but rather preferred to make political speeches, in which particular occupation his genius shone with great brilliancy.

In 1840, during the Harrison presidential campaign, LINCOLN stumped the State in behalf of the Whig cause, and it was during this canvass that he came in contact with the great scholar and political debater, Stephen A. Douglas.

In 1843 Mr. LINCOLN was defeated for Congress, to which high position he had long aspired. He was more successful in 1846, however, when he received a majority of the votes cast in the congressional contest and was elected to a seat in the National

Digitized by Google

House of Representatives. As a Congressman LINCOLN'S record was but fair. He made some three or four speeches, devoted more to wit and humor than sound reasoning, although questions of great moment were during those days demanding the attention of leading statesmen.

Many biographers have given too much time and attention to LINCOLN'S domestic life, which was all but pleasant, as is well known to everybody. It is the public services of great men rather than their private affairs that receive and merit the attention of the public, and this incomparable man's public life is so filled with brilliant achievements that to deviate therefrom would avail nothing intellectual and would be doing that which, to say the least, would be unwise.

As I have said before, LINCOLN'S ability as a lawyer did not shine with any particular brilliancy. He did not become famous through his practice of the law, as a State representative, or as a Congressman, Neither could he compare in eloquence with Douglas, Clay, Webster, or Calhoun as a public speaker. It was his matchless moral character, the prominent part he played in a great cause, and his marvelous leadership that will cause his name to be honored and revered throughout the ages.

His great political career really began in 1854, notwithstanding he had served two years in Congress; 1847–1849.

It was the attempt of southern statesmen to compel Congress to extend slavery in the Territories that aroused the great indignation of LINCOLN and which, indirectly, made him the leader of the opposition to the movement to establish slavery in territory belonging to the United States, an institution declared by him to be "founded on both injustice and bad policy."

Henry Clay's great compromise bill succeeded in quieting for a time the bitterness that was engendered by this inhuman attempt. It was but the calm that precedes a storm, however, and was short lived. An attempt to pass the fugitive-slave law was regarded as a national outrage by northern men, and the protest that was registered when man hunters seized trembling fugitives and took them back to a life infinitely worse than death was of a nature to cause public men to tremble. The whole North became alive with righteous indignation at this

Digitized by Google

barbarous and unspeakable act of inhumanity. Newspapers protested, orators thundered, excitement exceeded all bounds. More fuel to the flames was added about this time by Stephen A. Douglas, a United States Senator from the State of Illinois, by the introduction of his famous Kansas-Nebraska bill, the purpose of which was to open up the vast territory of Kansas and Nebraska to the introduction of slavery, providing that the people of these Territories should so favor. The South needed this territory, and Douglas, who had presidential aspirations, was playing into their hands.

The attempt to put the bill on the statute book opened the eyes even of some Democratic leaders of the North, and a united outcry of protestation from the press, the platform, and the pulpit was raised in one great scream of wrath, which no doubt could be distinctly heard south of Mason and Dixon's line.

It will not be necessary for me to recount the many crimes committed in the Territory of Kansas by armed ruffians from Missouri, who elected by fraud a legislature favorable to slavery in that Territory. Nor will it be necessary for me to discuss the decision of the Supreme Court in the Dred Scott case. You are all familiar with these matters. Suffice it to say that these triumphs were exceedingly pleasing to the southern cause, and that the question now was, Shall slavery advance into new territory? The North said "no," the South said "yes."

At this stage of the contest LINCOLN came upon the scene and his career as a national character began. He crossed swords with Douglas, reputed to be the most powerful advocate of Democratic principles in the North. They were both candidates for the United States Senate—LINCOLN the Republican candidate and Douglas the Democratic nominee. The debates which took place between these two giants became world famous. LINCOLN, filled with indignation at the wrongs that had been perpetrated upon humanity, seemed to be inspired as he combated the arguments of the trained political debater Douglas. His battle cry was, "The Government can not endure half slave and half free," and that "a house divided against itself could not stand." He did not go beyond the constitutional limits, however, but admitted that the South had a right to a fugitive-slave

Digitized by Google

law, but he never missed an opportunity to let it be known that he despised the institution of slavery. His speeches during this contest attracted such universal attention that he was invited to speak in Eastern States, which he did in such splendid style as to add increased glory to his fame as an orator.

Following his contest with Douglas, which attracted so much attention throughout the civilized world, the people of the North demanded the nomination of LINCOLN as President. The Republican Party heeded the call, and in 1860 made him its standard bearer. After the election, which waged furiously in all sections of the country, LINCOLN was elected. The North had triumphed over the South. Cannons roared, bells were rung, brave men cried with joy, and the prayers of the oppressed ascended to high heaven. Great was the victory and great was LINCOLN.

The South immediately set up the cry that the election was a "sectional and minority election," and between election day and the date when LINCOLN was to be sworn into office several of the Southern States seceded from the Union and set up a government of their own at Montgomery, Ala. They seized Federal forts, arsenals, customhouses, post offices, and everything else they could appropriate which would aid them in a war which was sure to follow.

On the 4th of March, 1861, ABRAHAM LINCOLN was inaugurated President of the United States. How I should love to have seen that ceremony and listened to the words of wisdom as they fell from his lips during his inaugural address. What a privilege it must have been to look into his sad and pensive face as he counseled his countrymen to remain cool during the pending crisis. His whole address was summed up in two short paragraphs:

> The power confided in me will be used to hold, occupy, and possess the property and places belonging to the Government and to collect the duties and imports, but beyond what may be necessary for these objects there will be no invasion, no use of force, among the people anywhere.
>
> In your hands, my dissatisfied fellow countrymen, and not in mine, is the momentous issue of civil war. The Government will not assail you. You can have no conflict without being yourself aggressors.

Digitized by Google

The South became the aggressors and inevitable war followed. The trials and tribulations of the great LINCOLN were many during these dark and uncertain days; but out of his tribulations came patience, and out of patience came experience, and out of experience came hope, according to the Scriptures. His love for man seemed to grow in the very face of the fiercest war that has ever been waged. A war between father and son, brother and brother—a horrible, unthinkable war. LINCOLN well knew, however, that the end justified the means, and realized that out of the awful slaughter of men and loss of treasure would come a reunited country and lasting peace; and, far more important than either reunion or peace, he knew that the shackles which bound in servitude a race of people would fall from bruised limbs and 4,000,000 souls would march erect into the bright sunlight of sweet freedom. Thank God, the great emancipator lived long enough to witness this, his crowning achievement.

Some writers hold that LINCOLN'S death was timely, in that it prevented a possible political error during the reconstruction period which might have sullied in some degree his illustrious services. I do not believe it, and I am sorry he did not live to know that even the most radical of southern sympathizers now rejoice in the delivery from bondage of a race of human beings into the glorious realm of liberty; and I am persuaded that had the fatal bullet never been fired from the pistol of the assassin, Booth, no public act of his, had he lived to this good day, would have resulted in anything but good to his fellow man. His great foresight and his inborn love for justice would have precluded such a result. The present universal admiration for his matchless services frowns upon the very intimation of such a thing. He was too great, too sympathetic, too far-seeing, too wise, and too just to enter into any arrangement whereby anything but the full measure of justice would result to all.

Commemoration of the Nation's heroes is not only proper, but it is wise. It fosters patriotism, without which no country can be great.

LINCOLN'S life was one of purest patriotism; it was devoted unselfishly to the promotion of the country's good. He was the friend of mankind; he believed in manhood; he wanted too

Digitized by Google

see this a land of freedom in fact as well as in name. He worked to that end. He assumed a great burden when he took the Presidency; he met the responsibilities with courage and a heart full of charity, but he met them and overcame every difficulty; he conquered the foes of free government and made this a Government of manhood suffrage.

When this Government was formed it was the most gigantic experiment of the kind ever attempted by man; it was given no place in the political considerations of the world; it was thought to be but a passing illusion. No one believed the experiment would succeed; failure was freely predicted. A government by the people, it was said, was impossible. But Washington's Government still lives. It has grown and prospered. It has become a great world power. It thrills with potent life and exalted hopes. The Civil War was the one test needed to prove the ability of the people to govern themselves, and never was the Nation so full of life, so filled with courage, so encouraging to the friends of freedom, so menacing to the foes of the Republic as when the sun of Appomattox shone upon its banner and revealed within its azure ground the full galaxy of its stars.

Through the instrumentality of the martyred LINCOLN and his patriotic followers were fought the battles for the preservation of the Union, and we of the present day are enabled to live in a land where every citizen is a sovereign and every man, woman, and child is free to worship God according to the dictates of his own conscience; a land whose inventions lead the world, where the printing press and the church follow close upon the march of empire, where caste is ignored, where the humblest child of poverty may aspire, unrebuked, to the highest place in the gift of the Nation.

It is fitting that the birthplace of this great man should be preserved as an evidence that lowly birth is no handicap to greatness. It should be preserved as an example to the youth of the land and as an encouragement to emulate the life of LINCOLN and to keep constantly before the minds of the people that, great though LINCOLN was in his maturity, after all if he had not been born there could have been no such history as is recorded through his life, his sacrifices, and his patriotic achievements.

Digitized by Google

Digitized by Google

REMARKS BY MR. HARRISON, OF MISSISSIPPI

Mr. Chairman, in the consideration and discussion of this bill, proposing that the Government of the United States take over and preserve the home in Kentucky in which ABRAHAM LINCOLN was born, it is not inappropriate that I place in the Record a letter that I received in my mail only a few moments ago from as gallant an array of men and women as ever lived.

Not far from the home in which the martyred LINCOLN was born Jefferson Davis was born.

Like LINCOLN, his life was spent in another State—and service extended beyond any section. Beauvoir, on the shores of the Mississippi Sound, was the last home of Mr. Davis. For the last decade that beautiful place has been transformed into a home for Confederate veterans. About 250 of these gallant old soldiers, although true to the cause which in the sixties they espoused, to-day are as true to the Union and as loyal to that flag as are the men who in the sixties enlisted in the Federal Armies. The letter, Mr. Chairman, that I ask unanimous consent to place in the Record has come to me from these old patriots, tendering their services to the President to go into Mexico as a part of the Armies of this Government, if necessary.

Digitized by Google

THE JEFFERSON DAVIS BEAUVOIR SOLDIERS' HOME,
Gulfport, Miss., March 23, 1916.

Mr. PAT HARRISON, M. C.

DEAR SIR: We the undersigned Confederate veterans of Beauvoir Soldiers' Home tender our services to the President, if needed, to join the Army for Mexico.

J. C. Granigan, Dan. Robertson, J. C. Calhoun, A. Adair, J. S. Brown, R. I. Lanius, J. C. Summers, S. O. Freeman, J. T. Farr, A. R. A. Harris, J. F. Mercer, W. D. Cooke, A. S. Furr, J. L. Thomasson, G. F. Jones, W. W. Gibson, Sam. E. Jones, C. W. Agnew, J. W. Patterson, S. H. Powell, T. J. N. Bloodworth, H. M. Wilson, C. M. Walker, J. C. Bridewell, W. M. Collins, R. C. Clark, R. C. Le Cloud, A. P. Sparks, W. R. Jonston, Capt. W. A. Dill, W. F. Gainey, J. C. Ainsworth, E. A. Johnson, Jas. A. Locke, G. W. Barns, F. M. Sharp, J. W. Hunter, R. B. Johnson, Chas. Taliaferro, Thom. D. Reed, W. E. Luse, J. C. McKenzie, J. H. Allen, J. H. Jennings, W. J. Ray, A. G. Wood, W. S. Hickingbottom, J. G. Worsham, J. H. Harell, B. C. Covington, P. R. S. Baily, I. B. Baldridge, J. McDonald, R. N. Robinson, P. A. Cook, Mrs. P. B. Kine, T. J. Buckley, S. H. Box, O. R. Mallette, John Noble, R. H. Porter, O. S. Beck, W. D. Franks, James Everett, J. A. Lott, B. F. Sadler, Dennis Kane, James A. Cuevas, S. W. Brister, W. J. Pittman, G. F. Allin, C. S. Smith, W. J. Long, C. A. Binet, W. W. Robeson, C. A. Breard, T. W. Hughes, G. W. Hill, W. H. Stevens, E. O. Robinson, W. M. Marshall, E. P. Hitt, A. H. House, Georg W. Christe, J. T. Gibson, J. H. Thorn, T. J. Harrell, S. J. Lane, J. W. Dyers, W. A. Wood, I. N. Webb, C. C. Nelson, A. J. Eastling, A. J. Duren, J. D. Grubbs, W. T. Hester, Sol Happs, J. A. J. Cagle, Thomas E. Wright, G. J. Ward. Total, 100, and many others.

If we are old, we are good guns yet.

Yours, respectfully, J. C. G.

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 1084.

INSERT TO ARMY APPROPRIATION BILL, UNDER HEAD OF "TRANSPORTATION OF THE ARMY AND ITS SUPPLIES."

LETTER

FROM

THE SECRETARY OF WAR,

SUBMITTING

DRAFT OF LEGISLATION TO BE INSERTED IN THE BILL MAKING APPROPRIATIONS FOR THE SERVICE OF THE WAR DEPARTMENT UNDER THE HEADING, "TRANSPORTATION OF THE ARMY AND ITS SUPPLIES."

MAY 8, 1916.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington, May 1, 1916.

Hon. CHAMP CLARK,
Speaker House of Representatives, Washington.

SIR: 1. Certain of the railroads of the United States, coincident with their construction, were given grants of public lands under certain provisos. These railroads are known as "land-grant roads," and most of the acts granting lands to the various railroad companies carry a proviso reading:

> And the said railroad shall be and remain a public highway for the use of the Government of the United States, free of all toll or other charges, upon the transportation of any property or troops of the United States.

Certain of the other land-grant roads were constructed under acts which provided—

> said railroad shall be a post route and a military road subject to the use of the United States for postal, military, naval, and other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation.

2. The annual appropriation acts have for many years carried provisos restricting payments to the land-grant roads to an amount not more than 50 per cent of the compensation charged to and paid by private parties. Instances have arisen where transportation provided for under appropriation "Transportation of the Army and its supplies," has been furnished by land-grant roads, or lines equal-

Digitized by Google

izing therewith which the carriers have believed did not come within the scope of the land-grant act, not being property or troops of the United States. A particular instance is the transportation of household goods of officers, enlisted men, or civilian employees, changing station under proper orders, and the transportation performed at the expense of the Government. The carriers believe that this is not property of the United States, and is not therefore under the law subject to deduction.

3. The matter was taken up with the Court of Claims in the case of the Chicago, Milwaukee & St. Paul Railway Company *v.* The United States, Court of Claims No. 32975, and the court gave judgment for the amount deducted on account of land grant for the transportation of these household goods, apparently on the ground that such property was not Government property within the meaning of the land-grant law. On a request by the War Department for a decision by the Comptroller of the Treasury as to whether future shipments of this nature should be paid for without land-grant deduction, that officer held, that on account of the annual appropriation act expressly providing that not more than 50 per cent of the amount of service should be paid, the accounting officers had no authority to exceed the amount authorized to be paid by and from such account.

4. This has resulted in putting an unnecessary burden upon the carriers, and also the accounting officers of the War Department. Claims of this nature are stated by the accounting officers of the War Department at the tariff rate, less land-grant deduction, presented to the carriers, declined by them, forwarded to the accounting officers of the Treasury who pay the account on the basis stated with land-grant deduction. The carrier then brings suit in the Court of Claims, and that court gives judgment for the amount withheld by the accounting officers.

5. To meet this condition it is recommended that the following proviso be inserted in the act making provision for the support of the Army, under the heading, "Transportation of the Army and its supplies," and immediately preceding the words, "For the purchase and hire of pack and draft animals":

And provided further, That nothing in the preceding provisos shall be construed to prevent the accounting officers of the Government from making full payment to land-grant railroads for transportation of property or persons where the courts of the United States have held that such property or persons do not come within the scope of the deductions provided for in the land-grant acts.

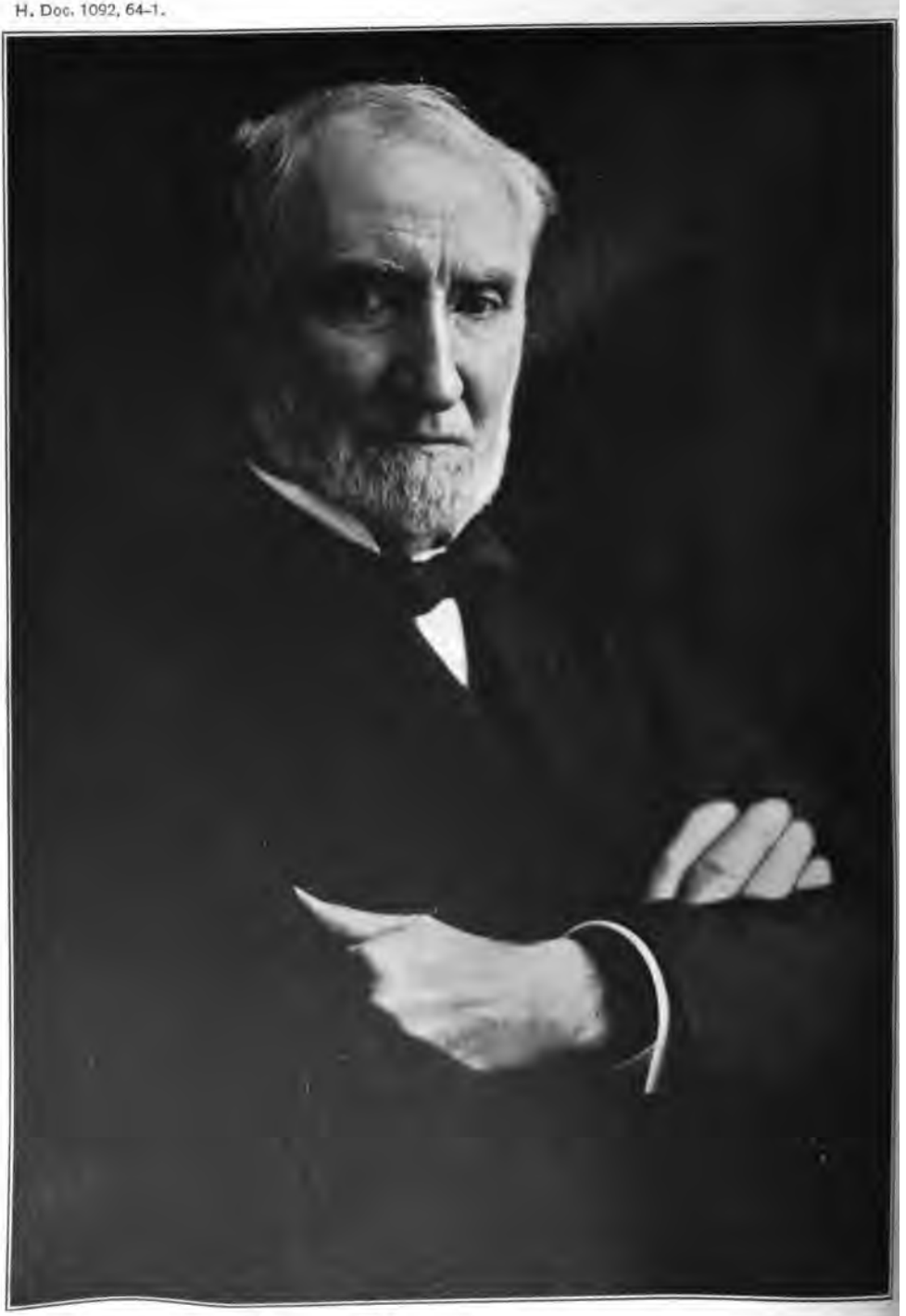
Respectfully,

NEWTON D. BAKER,
Secretary of War.

O

Digitized by Google

Digitized by Google



J G Cannon

Digitized by Google

House Document No. 1092 - - - Sixty-Fourth Congress, First Session

Joseph Gurney Cannon

PROCEEDINGS IN THE
HOUSE OF REPRESENTATIVES
on the EIGHTIETH ANNIVERSARY
OF HIS BIRTH

Saturday, May 6, 1916

WASHINGTON
GOVERNMENT PRINTING OFFICE
1916

Digitized by Google

On motion of Mr. Mann, by unanimous consent,

Ordered, That on Saturday, May 6, 1916, immediately after the reading of the Journal and the disposition of business upon the Speaker's table, Mr. Rodenberg be permitted to control one hour.

(Order agreed to March 16, 1916.)

IN THE HOUSE OF REPRESENTATIVES,
May 8, 1916.

Ordered, That ten thousand copies of the proceedings in the House commemorative of the anniversary of the birth of Hon. JOSEPH G. CANNON be printed, with his portrait, as a House document and distributed through the folding room for the use of the House.

CLARENCE A. CANNON,
Journal Clerk.

Digitized by Google

CONTENTS

	Page
Prayer by Rev. Henry N. Couden, D. D.	7
Address of Hon. William A. Rodenberg	11
Address of Hon. Isaac R. Sherwood	17
Address of Hon. Frederick H. Gillett	21
Address of Hon. Claude Kitchin	29
Address of Hon. Champ Clark	35
Response of Hon. Joseph G. Cannon	45

Digitized by Google

Digitized by Google

Prayer by the Rev. Henry N. Couden, D. D. Chaplain of the House

Digitized by Google

Digitized by Google

Prayer by the Chaplain

WE bless Thee, our Father in heaven, for every life that has poured itself out for the betterment of mankind, whether in science, literature, art, statesmanship, or religious endeavor; for these are the human dynamos that move the wheels of progress toward the ideal civilization for which every true heart longs, and for the full appreciation accorded to such men in the hearts of their fellows. We thank Thee for the recognition of the long and faithful service of one who stands to-day on the threshold of his eightieth birthday, who, for half of his life, has been a conspicuous figure on the floor of this House; a leader wise in his counsels, a strong advocate of every measure for the betterment of popular government, known throughout the length and breadth of the land for his strong personality, independent thought and action, affectionately esteemed by all for faithful service to his country. May Heaven's richest blessing attend him and bring him at last to that immortal youth where a fuller service waits on the faithful. So may Thy blessing attend every Member and crown his efforts with successful service, and Thine be the praise forever. Amen.

Digitized by Google

Digitized by Google

Address of Hon. William A. Rodenberg of Illinois

Digitized by Google

Digitized by Google

HON. JOSEPH GURNEY CANNON

Hon. Champ Clark, Speaker of the House

UNDER a special order of the House made some time ago, the gentleman from Illinois [Mr. Rodenberg] is to control one hour, and he is now recognized. [Applause.]

Hon. William A. Rodenberg, of Illinois

Mr. SPEAKER: If all sentiment were taken out of life, to live would not be worth while. Sentiment rules the world and controls the action of all mankind. Love of country, devotion to home and family, friendship for our fellow man, all are based on sentiment. It is one of the divine attributes of every true and manly heart; without it the world would be dreary and desolate, forever lost to love and laughter. It fills the soul with hope and joy and lifts the clouds of doubt and gloom. It is humanity's greatest boon, for it brings to all the cheer that makes life worth the living. It is in response to a sentiment that has its foundation in genuine affection that we meet to-day to do honor to the best-loved Member of this great legislative body. [Applause.]

Mr. Speaker, many stirring and exciting scenes have been staged in this Hall. Here in days gone by many of the Nation's greatest men have engaged in intellectual combat and the world has been enriched by their wit and their wisdom. To-day there rise before us again the towering forms of Garfield and Blaine, of Randall and Cox, of McKinley and Reed, of Crisp and Carlisle, and, as memory reverts to some of the great historic scenes enacted here, and in which they played their parts so well, our blood tingles and throbs, and we thank God that it has been our good fortune to have had service in this House. [Applause.]

Digitized by Google

I am now concluding my seventh term as a Member of Congress, and during my service here I have often been profoundly impressed by the fact that nowhere is the doctrine of the "survival of the fittest" better exemplified than in this Chamber. Here every man is measured at his real worth, and the measurement is always true and accurate. The House has no difficulty in separating the wheat from the chaff, and is as quick to applaud merit and industry as it is to condemn sham and pretense. The prestige of the man of intellectual integrity is as lasting as that of the demagogue is fleeting.

Leadership in this House is never accidental. On the contrary, it is always natural and entirely logical. Length of service may place a Member at the head of one of the great committees of the House, but the chairmanship of a committee, no matter how important, does not carry leadership with it. It requires something else to be a leader and a man of genuine influence. The real leaders in a legislative body such as this are the men who do not adjust their sails to catch every passing breeze, but who, when the storms of criticism beat and the waves of opposition roll, "stand foursquare, to all the winds that blow," let come what may. [Applause.]

If there be one such man among us, if there be one man who has steadfastly pursued the path of public duty, and who, at all times and under all circumstances, in good and ill report, has had the superb courage to give expression to honest conviction, that man is he whom we delight to honor to-day, the grand old hero of a thousand legislative battles, JOSEPH G. CANNON, of Illinois. [Prolonged applause.]

For almost 40 years the calcium light of publicity has been turned full and fair upon him; and the stronger and the brighter the light, the more it has served to reveal to all the world those sterling qualities of head and heart that have given him an enduring place among the ablest and most courageous statesmen of his day and generation. He has made mistakes—of course he has. To err is human, and UNCLE JOE has at all times been intensely human; but no man, living or dead, ever saw him lower his colors or hoist the white flag of surrender. No matter how fast or furious the contest, he was never known to ask for

Digitized by Google

quarter, but, throwing his warlike shield before him, he bade defiance to the enemy, shouting:

> Lay on, Macduff,
> And damn'd be him that first cries "Hold, enough!"

[Applause.]

Mr. Speaker, including the Continental Congresses, 7,865 men have served in the various Congresses of the United States, and of all this number our distinguished friend enjoys the unique distinction of having had the longest service in the House of Representatives. The record shows that in all the years of our national existence only three men have excelled him in length of legislative service. At the head of the list stands Justin Smith Morrill, of Vermont, whose service in House and Senate covers a period of 43 years 9 months and 24 days. Next comes William Boyd Allison, of Iowa, whose combined service in the two bodies totals 43 years and 5 months. The third on the list is William Pierce Frye, of Maine, who served in both Chambers for 40 years 5 months and 4 days. And then comes JOSEPH GURNEY CANNON, of Illinois, who, upon the completion of his present term, will have been a Member of the House of Representatives for 40 years; and I know that I voice the sentiments of every man in this Hall when I express the hope that he will continue as a Member of this body until he has established a record for length of service that will never be equaled in all the future history of the Republic. [Applause.]

UNCLE JOE, to-morrow will be the eightieth anniversary of your birth. Entertaining for you, as I do, the deep and abiding affection that a son feels for his father, I deem it an honor indeed to have been selected to extend to you on this happy occasion the felicitations and good wishes of the entire membership of this House. We wish you full measure of life's pleasure to the end of your days, and we unite in the fervent hope that it will be many, many years before the shades of night begin to fall; and when they do, we know their gloom will be mellowed and softened by the golden glow that radiates from the halo that crowns and glorifies the patriotic life of a great American. [Prolonged applause.]

The SPEAKER. The gentleman from Ohio [Mr. Sherwood] is recognized. [Applause.]

Digitized by Google

Digitized by Google

Address of Hon. Isaac R. Sherwood of Ohio

Digitized by Google

Digitized by Google

Hon. Isaac R. Sherwood, of Ohio

MR. SPEAKER: Forty-three years ago, when I was on earth for the first time [laughter], I drifted into this Congress, that being the first term of the distinguished American whose birthday we celebrate to-day. It has already been said, better and more eloquently than I am capable of saying it, that he is the most remarkable man this country has ever produced, counting his service in public life. He has had a public service of 47 years—40 years in Congress—and has been four times Speaker of the House of Representatives. I understand that UNCLE JOE and the modest Member who is now addressing you are the only surviving Members of the Forty-third Congress now in public life, and it has appeared to me to be fitting to refer to some of the incidents of that Congress, because we were called upon to deal with great questions growing out of the Civil War, questions that appealed to the hearts and the emotions of public men. Gen. Grant, the foremost man of all the world, was starting on his second term as President. I want to call your attention to some of the developments in science and social ethics that have occurred since that time. I remember that the appropriation for the President in that Congress, for salary and for upkeep of the White House, was $42,000. President Grant had no bodyguard, no military aid. We Members were serving at $5,000 a year. We had to furnish our own quarters. We were not allowed any secretaries. The Speaker had no parliamentary expert. We had no Hinds' Precedents. The country had no automobiles. We had no wireless; we had no flying machine; we had no canned music. Edison, the wizard of the scientific world to-day, had not yet appeared. We had no electric cars; we had no moving pictures; no typewriting machines. We had no preparedness talk on this floor [laughter]; we had no Calendar Wednesday [laughter]; we had no Army and Navy League. [Laughter.]

We had no twilight tango.

We are here to-day with a living and knock-down argument against the theory of Dr. Osler. [Applause and laughter.] It

Digitized by Google

is a mistake to suppose that a man who has reached the age of 80 years has reached the acme of his intellectual development. [Applause and laughter.] Pope Leo XIII and John Adams were in the full possession of their intellectual powers at 90. John Wesley was at the height of his eloquence and at his best at 88. Michael Angelo painted his greatest single picture that was ever painted since the world began at 80. He made the sky and sunshine glorious with his brush at 83. Gen. Von Moltke was still wearing the uniform at 88, and he commanded the victorious German Army that entered the gates of Paris at 70. George Bancroft was writing deathless history after 80. Thomas Jefferson, Herbert Spencer, Talleyrand, and Voltaire were giving out great ideas at 80. Tennyson wrote his greatest poem, "Crossing the Bar," at 83. Gladstone made his greatest campaign at 80, and was the master of Great Britain at 83. Humboldt, the naturalist, scientist—the greatest that Germany ever produced—issued his immortal Kosmos at 90.

I saw Joe Jefferson play Rip Van Winkle at his best at 75. Goethe wrote Faust, the greatest literary achievement in all literature—the masterpiece of literature—the last section—at 80. The Irish actor, Macklin, was still on the stage at 99. Robert Browning was as subtle and mysterious as ever at 77, and Victor Hugo was at his best from 75 to 80.

We will concede that UNCLE JOE has passed the period of adolescence [laughter] and that he has reached the age of discretion. You will all concede with me that the best effort of his life was undoubtedly his oration on Abraham Lincoln, which was delivered in this Congress. He has not reached the acme of his intellectual development; that will come later. [Laughter and applause.] When he delivers his masterpiece in this Chamber or in a larger forum, I hope I may be present with ears erect to hear or eyes alert to read. [Laughter and continued applause.]

The SPEAKER. The gentleman from Wisconsin [Mr. Cooper] will take the chair. [Applause.]

Mr. COOPER of Wisconsin took the chair as Speaker pro tempore.

The SPEAKER pro tempore. The Chair will recognize the gentleman from Massachusetts [Mr. Gillett]. [Applause.]

Digitized by Google

Address of Hon. Frederick H. Gillett of Massachusetts

Digitized by Google

Digitized by Google

Hon. Frederick H. Gillett, of Massachusetts

MR. SPEAKER: I am the only person in the House who ever served on the Appropriations Committee when Mr. CANNON was its chairman. To my mind that was the most glorious and useful part of his career. Perhaps my opinion is biased by the fact that as we grow older we are less impressionable, and that when I was younger I was more of a hero worshiper; but to me, even when he sat omnipotent in the Speaker's chair and tried to be dignified and judicial and nonpartisan, and to regulate this disorderly and sometimes turbulent assembly, he was not so imposing as when he was on the floor, sure to be in the center of any conflict, contributing in no small measure to the heat and violence and interest of the debate, ready always to "ride the tempest and direct the storm." [Applause.]

To see him in his glory, you should have seen him as chairman of Appropriations, in the thick of the fray, without manuscript or notes, but all ablaze with energy, now entertaining the House with his quaint conceits and now convincing them with his powerful and ingenious arguments.

That, to my mind, was the sphere where his abilities shone to the best advantage. He is by nature a floor leader. He has the courage, the fearlessness, and that quickness of mind and of tongue accelerating under fire, which make a man effective on this floor.

Those of you who have come here this session can have little appreciation, it seems to me, of what the American Congress has sometimes been and what it may be again. Everything this year has run so smoothly and amiably—there has been so little bitterness and belligerency—that it is difficult to realize the contests of the past. Our Speaker is so genial and so popular with both sides [applause], the minority leader cooperates so heartily with his kindly spirit, and the issues which thus far have arisen have contained so little to excite passion that we seem to be sailing on an eternal summer sea. I hope it may always continue so serene. [Applause.]

Digitized by Google

But it was in a very different atmosphere that Mr. CANNON was trained. It was different when I first came here. I can remember when the air of this Chamber seemed surcharged with animosity, and there were occasions when it seemed as if the two sides of the House were so hostile and furious that they might at any moment rise against each other in forcible collision.

And yet I suppose during my service it has been calm compared with what preceded it. I suppose in the Fifty-first Congress party heat reached its extreme. It needed then dauntless courage and unfaltering poise to be a successful leader. And it was in that Congress I have always understood that Mr. CANNON really won his indisputable right to be at the front. In that historic contest over the rules it was on him that Speaker Reed, the most powerful and formidable figure I have ever seen within these walls, leaned for his most reliable and effective support.

I came here 23 years ago. I suppose many of you think, as I know some ambitious men in my district have long thought, that 12 terms are an unconscionable time for anyone to serve. [Laughter.] But when I arrived here Mr. CANNON could look back nearly as far as that to the commencement of his service. He was in his prime. In debate his directness, his shrewdness, his brightness of illustration, and his gymnastics always attracted universal attention. I remember being told that once when he was making a speech with his customary vigor, rising on his toes and prancing up and down the aisle, Mr. Reed called out to him, sotto voce, "JOE, are you making this speech on mileage?" [Laughter.]

But while his peculiarities of manner attracted attention, they were but the publicity agents for the real power and originality of his arguments. No one knew better than he how to appeal to both the judgment and the prejudices of the House. His quick and fertile mind not only grasped and developed all the intrinsic force of the argument but also took advantage of the foibles and self-interest of his audience. He did not simply argue the merits of the proposition but he fought strenuously to make his side prevail. He made speeches, not to circulate

Digitized by Google

in his district or to win applause, but to win votes, and if he could not succeed the cause was hopeless.

The chairman of the Appropriations Committee generally has the unpopular side, for he is generally fighting for economy. I do not believe it is simply the natural prejudice of my own membership which makes me feel that a spirit of economy always permeates that committee far more than any other committee of the House. Now is not the time to discuss the reason for it, which would be interesting.

But ever since I have been here the chairman of that committee has been the watch dog of the Treasury and the champion of retrenchment. Mr. CANNON filled that rôle preeminently, but with a good nature, a practical common sense, a sagacious judgment of the temper of the House, and a prudent mitigation of abstract justice by personal necessities which won him extraordinary success. He was ready to compromise when he thought it wise and reasonable, but he never shunned a fight, and he never surrendered till every resource was exhausted. The adversary who anticipated an easy victory just because he had the popular side had little appreciation of the persistence, the knowledge, and the resourcefulness of Mr. CANNON. He was, of course, sometimes beaten, but he often won where another would not have dared to fight.

When I first came to Congress I had a strong prejudice against him. But, as I watched his leadership, the time came when if I suddenly had to vote on a question of which I knew nothing, there was no man in the House whom I would follow so confidently as him.

In committee he was alert, wise, timesaving, and he had that charming quality so appreciated by ambitious younger men, of giving them plenty of opportunity to show their powers. He never tried to monopolize the chances of distinction, but shared them generously with his lieutenants.

I trust he will not think it disparaging if I say that he is a debater rather than an orator. You will recall that in the golden days of English eloquence Edmund Burke, who, in my opinion, wrote the finest orations ever produced, said of his

Digitized by Google

rival, Charles James Fox, that he was "the most brilliant and accomplished debater the world ever saw."

Some of Fox's friends took umbrage at the phrase, and thought the word "debater" did not do him justice. But I am not sure it is not quite as complimentary as "orator." A debater like Mr. CANNON measures his strength squarely with his opponent, asks no time for preparation, but is always ready, and must rely on his native powers to repel assaults, grapple with his antagonist, and from a hand-to-hand contest win his laurels. The orator at leisure ponders and develops and elaborates his material. In the one case you see the engine at work and can measure its actual force; in the other you see only the result.

It always seemed to me Mr. CANNON had not the taste, if he had the capacity, for elaborate preparation. He seemed to need the stimulus of a fight to arouse his faculties. Then he could summon his resources with unfailing facility, and showed a readiness, an astuteness, a variety, and a vigor which were marvelous.

Of course he was prepared, in the sense that he knew all about his subject, for he was a most thorough and thoughtful student of the questions which came before him. But he never seemed to make any special preparation for his speeches, but to trust to the inspiration of the moment, which has brought the downfall of so many would-be orators, but which never failed him. Indeed, I think his example was a bad influence on young men by discouraging preparation. I, like other New England boys, was brought up to believe that the price of success was industry. I always had dinned into my ears the verse—

> The heights which great men reached and kept,
> Were not attained by sudden flight;
> But they, while their companions slept,
> Were toiling upward in the night.

Since I have known him Mr. CANNON'S "toiling in the night" has not been exclusively over his congressional duties [laughter], and yet his mind always seems saturated with knowledge of the varied subjects which come before us.

Digitized by Google

As he moves among us now, kindly, sedate, respected, beloved—a sort of perpetual statesman emeritus, bearing his 80 years more lightly than anyone I ever saw—he is an honor and a blessing to the American Congress; but I shall always cherish most the memory of the dauntless, resourceful, militant head of the Appropriations Committee, defending the National Treasury against all comers, fearlessly, tenaciously, judiciously, and with a success I have never seen paralleled. [Applause.]

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. Kitchin] is recognized. [Applause.

Digitized by Google

Digitized by Google

Address of Hon. Claude Kitchin of North Carolina

Digitized by Google

Digitized by Google

Hon. Claude Kitchin, of North Carolina

MR. SPEAKER: I count it a real privilege and pleasure to participate in these ceremonies to-day. I believe the House honors itself more than it honors the distinguished gentleman from Illinois [Mr. CANNON] in taking, amid its busy labors, this hour to celebrate the eightieth birthday of a man who, in my judgment, is the most marked and unique character that has sat in either end of the Nation's Capitol for the last half century. [Applause.] I am going to say in public here now what I have a hundred times said in private, that of all the public men whom I have ever met the gentleman from Illinois is the most remarkable and possesses the strongest, most practical common-sense intellect.

I remember when I first came here, 15 years ago, he impressed me more particularly as being a big man than any other man in the House. I sat here in my seat for three years without ever opening my mouth on the floor of this House, and that is somewhat remarkable, it seems to me now [laughter], but I had an idea that it was wiser for me at first to hear and see rather than be heard and seen. During that time I was an intent observer, sizing up the men in this body. Outside of partisan politics the gentleman from Illinois impressed me as being the wisest legislator in the House. I have said that, too, a hundred times, and I have really not seen much since then to change my opinion. [Laughter and applause.] But when it came down to partisan questions and partisan politics, and especially when his blood was up—Good Lord, deliver us. [Laughter.] And, Mr. Speaker, his partisanship was not confined to men on the Democratic side of the House, either. One of the most interesting and remarkable debates I ever witnessed in this House was between the gentleman from Illinois [Mr. CANNON] and a gentleman on that side of the Chamber who is now deceased, Col. Peté Hepburn, which occurred some 12 or 13 years ago, when the bill for the construction of the interoceanic canal was under consideration. The question then was whether we should build a canal across the Isthmus of Panama

Digitized by Google

or along what was known as the Nicaraguan route. The committee had reported unanimously in favor of the Nicaraguan route. Mr. Hepburn was chairman of the committee, and, of course, strongly advocated the Nicaraguan route. Only a few, led by the gentleman from Illinois, favored the Panama route. I had seen many heated courthouse contests between lawyers, but I never witnessed anything more interesting and exciting than that debate between these two gentlemen. Mr. Hepburn was right-handed and Mr. CANNON was left-handed, both on their feet most of the time, within a step or two of each other, their arms waving about as if in a pugilistic contest. It was a fur-flying debate, but a great debate. I will never forget it. Two giants were wrestling with each other in intellectual combat. The House has had few men equal as a debater to Col. Hepburn. He was a strong, forceful, resourceful man.

Mr. Speaker, I have heard Mr. CANNON in several debates; I have seen him in action in the House for a number of years; I have seen him confront serious and critical situations often; but, in my opinion, the time when he loomed up bigger and stronger and braver than ever was during those two nights and two days' fight over what we called Cannonism—on the Norris resolution—in the Sixty-first Congress. I never saw a man in my life who stood forth such a complete master of the situation. He rode the very whirlwinds and directed the storms for his party. While many harsh things on this side and many on that side were spoken during those two days and nights of the hottest and most exciting contest the House has witnessed in a quarter of a century, I never saw the gentleman from Illinois lose his temper or his head for one moment. He was courteous, cool, courageous, and determined to the last to do what he started out to do the very first moment the fight began. He was going to hold the House here and not make a decision upon the question of order pending until the Republican whip had gathered in from all quarters of the United States every single Republican Member of this House, and he knew exactly how each would vote. Just as soon as he ascertained that every Republican who would vote on his side was here in the House, without sleep for two days and nights, he rapped the House

Digitized by Google

to order and calmly said, "The Chair is ready to rule." [Applause.] And he ruled against us, of course. [Laughter and applause.] In all the conflicts in his long and eventful career as a Member of the House, some of them bitter and severe, he stood out always before the eyes of friend and foe the embodiment of courage, of directness, of integrity. [Applause.]

Mr. Speaker, I think this occasion illustrates the truth of what I heard the minority leader say some time ago, that while that aisle separated the Democrats from the Republicans it did not divide the hearts of the men in this House. [Applause.] It does not divide our respect, confidence, esteem, and affection for each other. There are men on that side of the House whom I regard with as much esteem, admiration, respect, and affection as on this side, and no doubt that is the case with most of us on either side of the aisle. We differ on questions of policy for the country, on what we call political principles, but we do not differ in our loyalty and love and devotion to our country and our flag, and in our respect, esteem, and affection for one another. When I was a great deal younger than I am now, I used to think that the good folks were all in the Democratic Party and the bad folks all in the Republican Party. I used to think that the big Republicans in Washington had horns and that they were all reaching out with both hands toward somebody else's pocket. But, gentlemen, since I have served in this House I have found so many good and splendid fellows in the Republican Party that, individually, I am willing to admit that it is a pretty good party. Collectively—well, I am not profane and will not be unparliamentary; but, anyway, since my association with these splendid Republicans here I have come to the conclusion that a Republican is never dangerous to a good Democrat—except in an election [laughter and applause], and never harmful to the public—except in office. [Laughter.]

In the Sixty-first Congress we had a lot of talk about "Cannonism." I believe the best speech I ever made in the House was on "Cannonism." That was not a fight against Mr. CANNON; it was a fight against a system which the rules created and which he inherited from former Congresses, and, perhaps,

Digitized by Google

from Democratic Congresses, too, as well as Republican Congresses. I said at the time that we were making a fight against the rules and the power which the rules gave the Speaker, called then "Cannonism," not against Mr. CANNON; that the rules then in force had been in force in both Republican and Democratic Congresses, and only a weak man, without courage, would have done less than the distinguished gentleman from Illinois if exigencies demanded. When the rules of the House put into the hands of one man the life and death of all legislation and all procedure and made him more powerful than even the President of the United States, any strong, intellectual, courageous man would have exercised that power, whether he was a Democrat or a Republican, under the conditions that then confronted the party in control. Since then, as the gentleman from Massachusetts [Mr. Gillett] says, we have come to smooth and better-tempered times, when most of us vote alike and think alike on many questions. When the people made a change in the House, why, we, with the approval of many gentlemen on that side, changed the rules, and we never hear of "Cannonism" now, but we are proud and glad to hear to-day of "CANNON." [Applause.] We are glad to know, too, that every heart that beats within these walls is hoping and praying that we shall have the happiness on many and many another birthday of the gentleman from Illinois to meet here in his presence and do him honor. [Loud applause.]

The SPEAKER pro tempore. The Chair recognizes the Speaker of the House of Representatives. [Loud applause.]

Digitized by Google

Address of Hon. Champ Clark Speaker of the House

Digitized by Google

Digitized by Google

Hon. Champ Clark, of Missouri, Speaker of the House

MR. SPEAKER AND GENTLEMEN OF THE HOUSE: This performance here to-day reminds me of one in which Mr. Speaker CANNON and myself participated five or six years ago in the city of New York. About six months after Mark Twain died they memorialized him in Carnegie Hall before an immense audience. The chairman was Dr. William Dean Howells. The speakers were Joseph H. Choate, Henry Van Dyke, "Marse" Henry Watterson, Mr. Speaker CANNON, George W. Cable, and myself. I believe if Mark Twain knew what was happening that that was exactly the kind of a crowd he would have elected to have participated in his funeral exercises. We did not do anything for four mortal hours except crack jokes and tell anecdotes. I think this hour and a half is well spent. [Applause.] It shows the House in its most pleasing phase.

Mr. Speaker, this Government has existed 127 years under the Constitution—a brief, fleeting period in the existence of a nation, but longer than the span of life vouchsafed to any of the latter-day sons of Adam. We are engaged in celebrating the birthday of the only man in our history who has been elected to the House of Representatives 20 times—a unique achievement, which may be duplicated in the next 127 years, but probably will not. Such a record can be made only under a rare and peculiar set of circumstances: First. The constituency must remain in the same political faith during two score years. Second. The man himself must be as constant as the northern star and be possessed of unusual endowments, mentally and physically. Third. His constituency must have such faith in him as would remove mountains.

Mr. Speaker CANNON is now well into his fortieth year in the House, and is in fine fettle in both body and mind—at which we all rejoice. [Loud applause.]

Only three men have exceeded him in length of service in Congress, and they only by adding their House and Senate service together. Justin Smith Morrill, of Vermont, sat 12

Digitized by Google

years in the House and 31 years, 9 months, and 24 days in the Senate—a total of 43 years, 9 months, and 24 days—while William Boyd Allison, of Iowa, served 8 years in the House and 35 years and 5 months in the Senate—a total of 43 years and 5 months, and William P. Frye, of Maine, who served 10 years and 13 days in the House and 30 years, 4 months, and 20 days in the Senate—a total of 40 years, 5 months, and 3 days. Thus it will be seen that Morrill tops them all by 4 months and 24 days.

William Ewart Gladstone served 53 years in the British House of Commons. I am by no means certain that his service was the longest in that body. Over there, however, they begin younger than we do. Charles James Fox, perhaps the greatest parliamentary orator that ever lived, entered the House of Commons at 19, and the younger William Pitt at about the same age. Another thing that tended for length of service there was the old and condemned borough system, whereby a duke or earl or viscount would take a fancy to some bright youngster and practically appoint him to a seat in the Commons—an agreeable custom, but not promotive of the public welfare, and now happily fallen into "innocuous desuetude."

Henry Clay, the most renowned of all Speakers, served the longest time in the Speaker's chair, being elected for six full terms, resigning twice, with a total actual service of 10 years and 245 days, although the Capitol guides will have it that he served 12 years—a historic fable.

Mr. Speaker CANNON comes next with four full terms—eight years—and if the political complexion of the House had not changed he would in all probability be in his fourteenth year in the chair, thereby exceeding the record of "The Great Kentuckian." [Applause.]

Mr. Speaker Stevenson of Virginia was elected for four full terms, but in the middle of his fourth term he resigned both as Speaker and as Member of the House, having been nominated as envoy extraordinary and minister plenipotentiary to the Court of St. James by President Jackson; but alack! and also alas! a refractory Senate refused to confirm his nomination for more than a year, during which time he was, like Mohammed's

Digitized by Google

coffin, suspended betwixt heaven and earth. At last the Jackson men became strong enough in the Senate to confirm him and he went on his way rejoicing, having learned a lesson about premature resignations which he probably never forgot and which added somewhat to his stock of wisdom.

Mr. Speaker CANNON and Gen. Sherwood were both first elected to Congress at the November election in 1872, when under the lead of Horace Greeley the Democrats met with a crushing disaster, from which they recovered in 1874, only two years later, and swept the country from sea to sea. Speaker CANNON has served under 10 Presidents—Grant, Hayes, Garfield, Arthur, Cleveland, the younger Harrison, McKinley, Roosevelt, Taft, and Wilson. Presidents come and Presidents go, but he, like Tennyson's brook, goes on forever.

James Gillespie Blaine, one of the most brilliant of all the Speakers [applause], administered the oath to him upon his entrance here. While the Speaker's term is two years and the presidential term is four, he has seen the same number of Presidents in the White House and Speakers in the chair, 10—Blaine, Kerr, Randall, Kiefer, Carlisle, Reed, Crisp, Henderson, CANNON, and Clark.

When he was first elected only about a dozen of the present Members could vote. Many were in their swaddling clothes, trying to achieve the first acrobatic feat any of us and all of us ever essayed—to get our big toe into our mouth. [Laughter.] A majority of the Members were then unborn. What an astounding amount of history has been made in this country in the 44 intervening years, all of which he saw and part of which he was!

I am glad that Mr. Speaker CANNON made his great speech on the immigration bill recently—for it was a great speech—glad on his account, glad on my own account; glad most especially on account of you newer Members who have come into the House in the last 13 years; glad that you had the opportunity of not only hearing but seeing him as James Steerforth wished to be remembered, "at his best." We are all James Steerforths in that regard. J. B. McCullough, long-time editor of the St. Louis Globe-Democrat, once said that he had often thought that had

Digitized by Google

there been present a man who could see but could not hear and one who could hear but could not see when Roscoe Conkling delivered his superb speech, nominating Gen. Grant in the famous Chicago convention of 1880, he believed that the deaf man who could see would have derived as much pleasure from Conkling's performance as the blind man who could hear. I confess that seeing Mr. Speaker CANNON in action has always interested me quite as much as what he said. [Laughter and applause.] He has always appeared to me to be made up chiefly of spiral springs. [Laughter.] I saw him once do, while speaking, a thing that I doubt if any other speaker ever duplicated since the confusion of tongues at Babel. In the heat of debate I saw him make a complete circle on his heel. [Laughter.]

He is one of the strongest rough-and-tumble debaters I ever heard or tackled. He belongs to the topnotcher class of mental pugilists. He hits and hits hard, but never below the belt. I remember with pleasure now—though not so pleasant then—that in the first real debate in which I ever participated in the House he catechized me in extenso. It was a red-hot political debate—a cut and thrust affair—on the repeal of the Federal election law. I had not been here more than two months, and was ambitious to break into the limelight, or, as the Kaiser would say, to achieve "a place in the sun." [Laughter.] I did it on that occasion, largely by aid of Mr. Speaker CANNON, though I entertain serious doubt whether he intended assisting a rampant, greenhorn Democratic Congressman, for the billows of politics ran mountain high at that time.

Fight in those brave days of old? Of course we did—many of us, tooth and nail, hammer and tongs. Scars? All who participated in those fierce conflicts bear them—honorable scars, all in front; none of us escaped unscathed. Sometimes we fought over political principles, sometimes about governmental business, and sometimes by reason of what Cæsar denominates certaminis gaudium—the sheer joy of combat. Once Speaker CANNON was in the full tide of speech when I interrupted him, and he waved or shoved me off by saying, "Oh! Not now. I will attend to the Missouri Cyclone presently"—which he did, and I came near having fastened onto me the sobriquet borne

Digitized by Google

now and for many years by the gentleman from Texas [Mr. Davis]. [Laughter and applause.]

Mr. DAVIS of Texas. Amen! [Laughter.]

Mr. CLARK of Missouri. On another occasion I had the floor, and when Speaker CANNON interrupted me I conferred upon him the alliterative title of "The Dancing Dervish of Danville"; but out of it all we came forth good, warm personal friends, and will, in the language of the wedding ceremony, so remain "'till death do us two part."

> Fame is the scentless sunflower with gaudy crown of gold,
> But friendship is the treasure rose, with sweets in every fold.

In 1894 there was the worst slaughter of the innocents since the reign of King Herod. I was one of the victims of that awful landslide. I remember with gratitude that Speaker CANNON was the first person who suggested to me that I might come back. He spoke and predicted from experience.

On the day a few weeks ago when the bill authorizing the Government to take over the title deeds to the land in Kentucky on which stands the splendid memorial building covering and protecting the humble log cabin in which Abraham Lincoln was born, we witnessed a pleasing and amazing spectacle—Mr. Speaker CANNON, 80 to-morrow, and Gen. Sherwood, some months his senior, straight as arrows, lithe as men of 50, delivering speeches which thrilled our hearts; and the strangest feature of that remarkable scene was that these two well-beloved octogenarians read whatever they wanted to read without glasses! Verily, like Moses, the master lawgiver of all the centuries, their eyes are not dimmed nor their natural force abated. [Applause.]

For a long time people poked fun at the Scotch theory of "second sight"; but on the occasion to which I refer we had the best sort of evidence that these two veterans have received their "second sight"—"the ocular proof" which Othello demanded. In passing, it may be apropos to state that one of the finest couplets in our vernacular grew out of the Scotch theory of "second sight" conferring the gift of prophecy:

> 'Tis the sunset of life gives me mystical lore,
> And coming events cast their shadows before.

Digitized by Google

When I first read those splendid lines as a college student they appeared to me so fine that I wanted to read the context. Somehow I got it into my head that Alexander Pope was the author and read all his works to find them, which I did not do for the all-sufficient reason that he never wrote them. They are in Thomas Campbell's poem "Lochiel"; but my time spent in reading Pope was profitably spent. He polished his poems 'till they glitter as a gem, and he excelled all poets in making couplets or quatrains, each conveying an idea complete within itself. I committed hundreds of them to memory, greatly to my advantage.

While Speaker CANNON was delivering his Lincoln speech, I noted what a remarkable profile resemblance there is in his face and Lincoln's, just as there is a striking resemblance in the face of my good, dear friend, Maj. Stedman, of North Carolina, and the face of Gen. Robert E. Lee.

Mr. Speaker CANNON owes it to himself and to his countrymen to write a book of reminiscences, Job's vengeful declaration, "Oh! that mine adversary had written a book," to the contrary notwithstanding. Evidently the Man of Uz did not have in his mind's eye Theodore Roosevelt and Woodrow Wilson when he gave voice to that far-resounding and malicious desire.

There are two other distinguished Americans who owe it to themselves and the country to write books of reminiscences—Senator Chauncey Mitchell Depew, the incorrigible optimist, and "Marse" Henry Watterson, the last of that marvelous school of editors of whom Horace Greeley, George D. Prentice, James Gordon Bennett the elder, Henry J. Raymond, Shadrack Penn, Thurlow Weed, and Samuel Bowles were the founders. What books these three men could write for our instruction and delight! They would be eagerly read by untold and unborn thousands so long as this Republic endures, which we all fondly pray will be—

Forever and forever,
As long as the river flows,
As long as the heart hath passions,
As long as life hath woes.

[Applause.]

Digitized by Google

We, one and all, most cordially and affectionately congratulate Mr. Speaker CANNON on attaining the Psalmist's extreme allotment of four-score years and upon having that which should accompany old age, "As honor, love, obedience, troops of friends"; and we hope from the bottom of our hearts that he will live many years full of usefulness, happiness, and prosperity. [Prolonged applause.]

Mr. MANN. Mr. Speaker, I ask unanimous consent that the Speaker may recognize my colleague, Mr. CANNON. [Applause.]

The SPEAKER pro tempore (Mr. Cooper of Wisconsin). The Chair feels, as he was about to say when the gentleman from Illinois [Mr. Mann] arose, that he voices the earnest wish of every Member—Republican, Democrat, Progressive, Socialist, Catholic, Protestant, Jew, and Gentile—in expressing the hope that the distinguished gentleman from Illinois [Mr. CANNON] will now address the House. [Applause.]

Digitized by Google

Digitized by Google

Response of Hon. Joseph G. Cannon of Illinois

Digitized by Google

Digitized by Google

Hon. Joseph G. Cannon, of Illinois

MR. SPEAKER AND GENTLEMEN OF THE HOUSE OF REPRESENTATIVES: It is pleasant for an old man to meet his fellows in the public service, to look in their faces, and feel that they accord to him the same honesty of purpose that they claim for themselves.

And yet, upon this occasion, if you will bear with me for a few moments, I recollect a story that John O'Neill told me many years ago. He was an Irishman who represented a St. Louis district, and he had all the brightness, wit, and humor that Irishmen generally have. One day, sitting in the cloakroom, when the conversation was running, he said, "When I was at home last week, having leave of absence for a few days, an Irish client of mine was about to die. He had no relatives in this country, and all his relatives in Ireland had crossed over, and he sent for me to write his will. I had been his attorney. He gave so much for the repose of his soul, so much to this hospital, and so much to that hospital, and so much for various charities. He knew exactly what he had, and I wrote the will and read it over to him, and he discovered, when he came to make the addition, that there was $10 left over that had not been disposed of."

O'Neill said the dying Irishman realized that his time was short and asked if there was time to write the will over. O'Neill said to him, "Oh, I can fix it all right. I will just put in what we call a 'codicil.' What do you want to do with the $10?" He thought a minute and said, "I'll not be knowin' what I want to do with the $10 exactly—but, yes; it can be invested in whisky, to be drank at my funeral." "Going or returning?" asked O'Neill. "Going, of course. I'll be wid 'em, then." [Laughter.]

Brother Sherwood, you and I came into this House together, elected in 1872. I have been here more of the time than you have, but I think you have been doing as good service, and probably better than I have. You are my senior in years,

Digitized by Google

and, looking in your eye, I appreciate your friendship. We were political friends when we served in the Forty-third Congress. We are political opponents now, but really I think I respect and love you as much as it is lawful for one man to love another. [Applause and laughter.]

These doctors have made great progress in medicine and surgery. Why, with the bloodletting that there was, with the thrust of a lancet that obtained in the West while the West was being settled, and the 10 grains of calomel and 10 grains of jalap—you know it would kill people if it was administered now—and the great doses of quinine, and so on. That was heroic treatment. [Laughter.] In medicine and surgery the world has progressed more in your time and mine than it did in the whole history of the race, from Eden down to your time and mine. They talk now about being on the eve of discovering a medicine or elixir, or something, that will make us all live to be at least 150 years old. I want them to hurry up, Brother Sherwood. [Laughter.]

Always there have been during my service here, Mr. Speaker, and I believe there always will be in the House of Representatives, fierce contests touching policies, and no truer thing was said by those who have preceded me than when they said, quoting the minority leader [Mr. Mann], that while this side of the aisle contested with that side of the aisle, after the partisanship passed, and even while it was on, we had as many friends on your side, and you as many friends on our side that would go as far outside of the partisanship or the policies to serve one another, as we have upon our respective sides. [Applause.]

The scene here to-day is a sample of the partisanship of the House. I can say with the psalmist, "The lines have fallen unto me in pleasant places"; and as I look into the faces of friends on both sides of the House I am more inclined to accept the plain evidence of fact than the popular and picturesque fiction which divides this body into partisan groups on all questions, shuts out personal relations and the cooperation of Representatives, regardless of party, to work out in legislation the greatest good to the greatest number.

Digitized by Google

We should not be human if we did not disagree at many points, and there would be no work for Congress if there were not many men of many minds in the country. We are sent here as the Representatives of those people who have different ideas as to Government activities, and we must here thrash out these differences, whether pleasant or unpleasant, for harmony can not always be produced out of the conflicts of the people, even by the best of friends. My own experience here inclines me to the view expressed by Charles Lamb, that he could not hate the man he knew, rather than to the old proverb that "Biting and scratching is the Scots' wooing."

One of my earliest friends on this floor was Alexander H. Stephens, who returned to the House when I came as a new Member. I had heard of the man who, as vice president of the Confederacy was the ablest adversary of Lincoln, and I had opinions; but here on the floor and in the hotel where we both lived I came to know him as a man as different from my opinions, formed by reading the war news, as are my opinions of the archangel and the archdemon of the universe.

So it has been through the years; and to me partisanship means the necessary contests over policies by which the Republic must be governed. There are no personalities in partisanship, and men who meet face to face and discuss different political views are less arbitrary in their views than are those who read headlines and fear that the House has fallen to a low estate, where party advantage is the one aim and effort.

I have seen some changes in partisan politics. When I came here, believing in nationalism, I was impressed with the State rights doctrine of some of the men on that side, and I remember a speech by Randolph Tucker, of Virginia, in opposition to Randall's bill to loan fifteen hundred thousand dollars to the Philadelphia Centennial Exposition.

Mr. Tucker warned the House against stretching the welfare clause of the Constitution. He said it would be an advertisement, inviting any clever man who had an idea about spending Government money for the general welfare to come to Congress, and it would not be long before we were crowded off our stools by the lobbyists who wanted to get their hands into the

Digitized by Google

Treasury. Mr. Tucker, then, turning to Randall, shouted a final warning that should that appropriation be made Chicago and even Yorktown would some day come for aid to an exposition. Well, they both came, and many others, and Mr. Tucker's son was president of the Jamestown Exposition. That is only an example of some of the changes that have come about the use of Government money to promote the general welfare. We have had quite a spell of it in the consideration of the Agriculture appropriation bill.

In our partisanship we have not been as keen for party advantage as is often represented. There was Gen. Benjamin F. Butler, who was a stormy petrel of American politics, if we have had one, and he is remembered as the author of the civil-rights bill, which caused such a storm of indignation throughout the South. But Gen. Butler was also the chairman of the Judiciary Committee which reported and put through the House the amnesty bill, which removed the political disabilities from many thousands of southern men.

And this leads me to suggest that it was not party advantage which inspired this side of the House when in control to pass amnesty bills which in a large measure gave control to that side; nor was it party advantage which led that side when in the majority to propose an electoral commission to find a judicial method for settling the great controversy over the Presidency. You lost by that machinery; but it was your own creation, and its creation was inspired by patriotic motives to save the country from another civil strife.

May I here cast a doubt on another popular fiction in which a former Member was the hero? I refer to the story which has even got into some political histories, that Col. Watterson organized an army of 100,000 stalwart Democrats to march on Washington and by force place Mr. Tilden in the White House. I have always doubted the correctness of that story, because Col. Watterson was a Member of the House at that time and was here using his influence and his diplomacy to work out a peaceful solution of that controversy. He was one of the best losers I ever saw. When the report of the commission on the Oregon vote was adopted, Col. Watterson made a short speech

Digitized by Google

in which he expressed his disappointment over the impending decision and described the blue-grass region in springtime, where the flowers were the signals of God's love and bounty, giving assurance that the heavens should not be robbed of their sunshine, the earth of its fruition, nor the future of hope.

That was at the end of February and the beginning of March, 1877. The Democrats thought Tilden was elected, and we Republicans thought Hayes was elected. There was a real contest at the polls and a real contest as to which was elected. You were in good faith, and we were in good faith. You carried the country and had a Democratic House, which you elected in 1874—strongly Democratic. It was a Republican Senate. The 4th of March was approaching, and in that Democratic House, presided over by Samuel J. Randall, with such Democrats as Ben Hill and Randolph Tucker—noted men, both North and South—there originated on that side the legislation which was agreed to by the Senate for the electoral commission—five judges of the Supreme Court, five Members of the Senate, and five Members of the House.

You supposed you would have a majority of one. You supposed that David Davis, one of the five judges, would be on your side. That would have given you a majority of one. But two days before that commission was appointed Gen. Logan, contesting for reelection to the Senate, was defeated by Justice Davis, and that put Justice Davis out. So Justice Bradley was selected, and he threw the casting vote. It was settled, but it did not turn out as you expected it would turn out. But it was patriotically acquiesced in.

I recollect very well what Col. Watterson said when they commenced to filibuster on that side of the aisle with a motion to adjourn, and a motion to adjourn to a day certain, alternating one motion with the other, as they could do, under the rules of the House as they then existed, as long as a man could stand and make the motion. Watterson said:

> I shall join in no movement to obstruct the progress of the presidential count. We have had enough of anarchy.

[Applause.]

Digitized by Google

I never shall forget the scene before the electoral count was completed, when Speaker Randall rose in his place, when it was necessary that action should be had to a point of order being made on the motion under the rule, and declared that it was a filibuster and dilatory and that the Constitution provided for the count of the electoral vote. He sustained the point of order, and then in the House we did have pandemonium for some time. [Laughter.] But the count was made.

So I have found the partisanship of this House throughout these 40 years sometimes warm and vigorous, but largely mixed with patriotism and much common sense; no barriers in the center aisle to prevent men from crossing that partisan line, and no prohibition against meeting in the lobby or the cloakroom and talking it over in private. It has been to me a pleasant and, I hope, a profitable experience.

There are, so far as I know, only six of my colleagues in the Forty-third Congress, which assembled here 43 years ago, still living. They are my friend and colleague, Gen. Sherwood, on this floor; ex-Senator Eugene Hale, of Maine; ex-Secretary of Agriculture James Wilson, of Iowa; Gerry W. Hazelton, of Wisconsin; William H. H. Stowell, of Virginia; and John R. Lynch, of Mississippi. All others who sat in that Congress have crossed over to the beyond. Many of those who were my associates in succeeding Congresses have also answered the last call, and I am here among those of the second generation, following in the footsteps of their fathers and here giving the best service of which they are capable to the welfare of their country.

If I sometimes see the faces and hear the voices of others not now here to answer the roll call, I may not be charged with dreaming, for among these 3,000 men with whom I have been associated in legislative efforts and over partisan contests there were hosts of personal friends of whom I never thought as Republicans or Democrats, except as we discussed different policies. These men had their hour on this stage, did their work in their time, as you are doing it now, following in the line of precedent; here amending where changes in conditions make it necessary, but not attempting to uproot and reconstruct

Digitized by Google

the whole fabric of the people's law. And when I see ghosts in this Chamber I am not frightened, for they typify the spirit of a representative democracy as truly as do the words and works of those who laid the foundation of this Government in the beginning.

Who could fear the ghosts of Blaine and Randall? Of old Alexander H. Stephens and Henry L. Dawes, of Ben Butler and George F. Hoar, of Sunset Cox and Tom Platt, of Fernando Wood and William A. Wheeler, of Charles O'Neill and Pig-Iron Kelley, of Holman and Tyner, of Beck and Blount, of Bland and Mills, of Garfield and Morrison, of Jerry Rusk and Philetus Sawyer, of Stephen B. Elkins and George Q. Cannon, of Ben Hill and Gen. Banks, of Proctor Knott and David B. Culberson, of John H. Reagan and Randolph Tucker, of Tom Reed and John G. Carlisle, of McKinley and Frank Hurd, of Nelson Dingley and William L. Wilson, of Crisp and Henderson, and the hosts of others whose names are familiar to you or to any who know the history of our country?

There are now more great men and more great women in the United States than there ever have been in the past history of the Republic. Some one asks, "Where are they?" And I answer, They are everywhere, following their vocations; but when necessary, whether it be in Congress or in civil life, or upon the bench, in the State legislature; whether it be in diversifying the industry of the country and carrying on the business of the country, whether it be following the plow or working in the machine shop, there will be found more people capable for self-government and ready to defend the flag than there ever have been since the discovery of America. [Applause.]

Is there humor in the House of Representatives? Yes. The first notoriety I ever obtained in this House and in the country was by the aid of Sunset Cox, who came into Congress from Ohio, and then from New York. A great man was Cox. He had a versatile mind. He was full of humor. One day he was "running amuck," attacking the Republican side, as only he could. We were cheering him at times on both sides, and sometimes there was gnashing of teeth on this side. [Laughter.] Finally he made a remark about a constituent of mine who had

Digitized by Google

just been nominated for Commissioner of Internal Revenue, Gen. Green B. Raum, a good, strong man, a former Member of Congress. Just at that time Alice Oates was here in opera bouffe. She was inimitable. One of the characters in her opera, as I recollect it, was "General Boom." Sunset Cox in his remarks said: "Why, here at last they have turned out a good, honest Commissioner of Internal Revenue and appointed somebody—I think he is from Illinois—General Boom." Well, that aroused me, and I jumped up and said, "Will the gentleman yield?" "Oh, no," said Cox, "I can not yield. The gentleman shakes his finger, and he scares me." Then a smile came over his face and he said, "Yes; I will yield." "For what time?" inquired Mr. Speaker Blaine. "As long as the gentleman will keep his left hand in his pocket," answered Cox. [Laughter.] I accepted the yielding and stood in that aisle, and I began vigorously to defend Gen. Raum; but I had not talked 60 seconds until I forgot all about the left hand, and out it came. "Time's up," said Cox. And it was up. [Laughter.]

That was my first notoriety. In the campaign of 1874 that finger was cartooned all over the country. The joke was good, and that cartoon abounded on handbills on every tree in my district, with the left hand out, and sometimes one finger and sometimes all the fingers, and they had the fingers sprouting out of the forehead, you know. [Laughter.]

I have had two terms, four years, of absence that I did not ask for; otherwise my service in Congress would measure 44 years. [Laughter.] During that time, with the exception of that great struggle—the Civil War—there has been more of history written, not only upon this continent but I believe more than was ever written anywhere else on earth in the same length of time. Think of it! It was the winding up of that great struggle, when valiant, courageous men of the same race and the same blood fought for four long years. You of the South thought you were right. We knew you were wrong, or thought we did, but it took four years to determine. I see before me a few men who were in that struggle in the Southern Army, and I see the sons of many who were in that great struggle. It was fierce. The world up to that time had never

Digitized by Google

seen such a contest. When it began the navies of the world were wooden walls. Then came the *Merrimac* and the *Monitor*, and when that war closed all the navies of the world were obsolete.

Then came reconstruction, but I will not go into it. None of us remember the many things that happened with pleasure; but as I think about it sometimes I realize it necessarily could not have been otherwise than it was. But how marvelously it has been forgotten, because we sit here upon each side of this aisle friends, Amercians, all marching under the Stars and Stripes, each with an equal love for the great Republic. [Applause.]

There was no such contest with any such result in the lifetime of a generation and a half in the history of the world. Why, bless my soul, the Battle of the Boyne was fought 200 years ago, if I remember aright, and on each anniversary it is fought over again now. [Laughter.]

A man said to me the other day, "What would you give, Mr. CANNON, for an insurance policy that you would live to be 100 years old?" I said, "A real policy that would make me live—and would I have to die then?" "Yes," he said; "just a policy of that kind." I said, "Give? I would rather pay something not to have it." "Why?" he said. "Well, there is probably one man in half a million in the United States now living that will live to be 100 years old, and I am going to take my chances." [Laughter and applause.] He said, "That is a slim chance." I said, "Yes; but I would not have the policy anyway, because every day that would pass it would occur to me that it was one day less." The Great Father has arranged it properly; no man can foresee when he will die.

Now, I do not desire to keep you longer. I thank you, Mr. Speaker and gentlemen, with all the sincerity in my power for this compliment. I never had such a compliment before. It would be impossible to have another such, and I appreciate it. [Prolonged applause.]

Digitized by Google

Digitized by Google

64TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT No. 1114

REPORT OF THE ROCK CREEK AND POTOMAC PARKWAY COMMISSION: 1916

LETTER

FROM THE ROCK CREEK AND POTOMAC PARKWAY COMMISSION, TRANSMITTING REPORT OF ROCK CREEK AND POTOMAC PARKWAY COMMISSION: 1916

MAY 12 and 29, 1916.—Referred to the Committee on Appropriations and ordered to be printed, with maps

WASHINGTON
GOVERNMENT PRINTING OFFICE
1916

Digitized by Google

Digitized by Google

CONTENTS.

Page.

Letter from the commission transmitting their report to Congress..... 5

CHAPTER I.

Brief history of events leading up to the development of the Rock Creek Valley within the District of Columbia..... 7

CHAPTER II.

General discussion of the problem of a parkway connecting Potomac Park with the Zoological and Rock Creek Parks..... 10
Section I—Easbys Point to L Street..... 11
Separation of Rock Creek from the Chesapeake & Ohio Canal..... 11
Proposed adjustment affecting the Washington Gas Light Co..... 15
Section II—L Street to P Street..... 17
Section III—P Street to Massachusetts Avenue..... 18
Section IV—Massachusetts Avenue to Zoological Park..... 18

CHAPTER III.

Appendix A..... 20
Public buildings act, approved March 4, 1913 (Public No. 432, H. Rept. 28766).
Appendix B..... 20
Letter from the Commissioners of the District of Columbia to the Secretary of the Treasury, November 10, 1913.
Letter from the Commission of Fine Arts to the Secretary of the Treasury, November 24, 1913.
Appendix C..... 24
Letter from the Secretary of the Treasury to the Speaker of the House, May 23, 1914 (H. Doc. No. 999, 63d Cong., 2d sess.).
Appendix D..... 26
Page 9, sundry civil bill, approved March 3, 1915.
Appendix E..... 27
Table showing property involved in crossing the lands of the gas company.
Correspondence between the gas company and Col. William W. Harts.
Appendix F..... 29
Table showing property involved in the proposition for separating Rock Creek from the Chesapeake & Ohio Canal.
Correspondence between the Chesapeake & Ohio Canal Co. and Col. William W. Harts.
Appendix G..... 38
Letter from the Department of Justice to Col. William W. Harts concerning the gas and canal companies.
Appendix H..... 39
Description of the proposed taking lines and comparison with those shown on map referred to in bill S. 2366 (62d Cong., 1st sess.), filed May 17, 1911.
Section I—Easbys Point to L Street..... 40
Section II—L Street to P Street..... 41
Section III—P Street to Massachusetts Avenue..... 43
Sections IV and V—Massachusetts Avenue to the Zoological Park..... 44
Summary of areas and values..... 45
Appendix I..... 46
Detailed tables showing names of owners, locations, areas, assessment rates, and values of the property to be taken, arranged by sections and squares, and described in Appendix H.

Digitized by Google

Digitized by Google

LETTER OF TRANSMITTAL.

WASHINGTON, D. C., *February 17, 1916.*

SIR: The Rock Creek and Potomac Parkway Commission have the honor herewith to submit their report upon the improvement of the valley of the Rock Creek from the Zoological Park to Potomac Park, prepared in compliance with the provision of law contained in the sundry civil act approved March 3, 1915, as follows:

Connecting parkway between Rock Creek and Potomac Parks: To enable the commission, created by section twenty-two of the public buildings act approved March fourth, nineteen hundred and thirteen, to survey the exact boundaries of the lands now desired to be embraced in a connecting parkway between Potomac Park and Zoological Park and submit a map showing in detail such a survey and indicating the changes proposed thereby as compared with the map now on file in the office of the Engineer Commissioner of the District of Columbia dated May seventeenth, nineteen hundred and eleven, $5,000.

The study of this problem and the preparation of the exhibits submitted herewith began immediately upon the appropriation becoming available in July, 1915, and were prosecuted continuously to completion under the direction of Col. William W. Harts, United States Army, officer in charge of public buildings and grounds, acting as the executive and disbursing officer of your commission; he was assisted in matters of park design by James G. Langdon, a landscape architect of many years' experience.

The plans have had careful consideration by the members of the National Commission of Fine Arts, in particular by Mr. Frederick Law Olmsted, of Brookline, Mass., the landscape architect member of the commission, and have been approved by that commission as preliminary plans for presentation to Congress.

A desirable plan for exchange of property between the United States on the one hand, and the Chesapeake & Ohio Canal Co. and the Washington Gas Light Co. on the other, is proposed by which the boulevard could be built through the property now occupied by these two corporations without undue injury and at a minimum cost to the United States, provision has been made, however, in the taking lines, so that even if the proposed agreement with the canal company is not immediately consummated a permanent parkway thoroughfare can be carried through, which will be a component part of the ultimate plan.

The many economies shown over the former plan along the entire length of the proposed parkway are so pronounced and satisfactory as to merit our unqualified approval. Furthermore, the negotiations with the Washington Gas Light Co. and with the Chesapeake & Ohio Canal Co., the results of which are submitted herewith for consideration, hold forth promise of an ultimate satisfactory solution of the complicated problem affecting the project where it touches upon the holdings of those corporations.

Digitized by Google

It is especially satisfactory to note that the restudy of this problem has disclosed the possibility of reducing the amount of property to be taken by about 1,875,763 square feet, and that the United States, therefore, will need to purchase only about 58 per cent of the area needed for the parkway, the remaining 42 per cent being now owned by the United States as streets, alleys, and reservations This will be seen in detail by consulting the list of property and the index map.

In conclusion we strongly urge that funds be made immediately available under the existing authorization of $1,300,000, so that the taking of the land may be begun along the entire length of the parkway. Especially do we call attention to the danger of a steady rise in value of these lands, and added cost to development consequent on continued dumping, should there be further delay. The authorities of the District of Columbia have held that until the United States has definitely fixed the taking lines and undertaken the project they are powerless to prevent encroachment on the proposed parkway owing to building activities on private land and dumping of refuse all of which would have to be removed later or the parkway development prejudiced.

Very respectfully,

W. G. McAdoo,
Secretary of the Treasury.
H. L. Scott,
Secretary of War ad interim.
D. F. Houston,
Secretary of Agriculture.

The Speaker of the House of Representatives.

Digitized by Google

REPORT OF THE ROCK CREEK AND POTOMAC PARKWAY COMMISSION, 1916.

CHAPTER I.

BRIEF HISTORY OF EVENTS LEADING UP TO THE DEVELOPMENT OF THE ROCK CREEK VALLEY WITHIN THE DISTRICT OF COLUMBIA.

As that portion of Rock Creek Valley under consideration will form, when improved, a very important link of a continuous parkway through the very heart of the city of Washington from the Mall to the District line, it seems fitting that some brief mention be made at the outset of the various efforts toward the development of the valley as a public park.

Just when the first conception of a park in the Rock Creek Valley took place is not readily ascertained, but in the early sixties Mr. Frederick Law Olmsted, sr., landscape architect,[1] the designer of the grounds of the United States Capitol, who was then a member of the Washington Sanitary Commission, became deeply interested in this valley and was impressed with its suitability for park purposes.

In 1866 a Senate resolution directed that an inquiry be made in reference to the selection of a site for a public park and for the presidential mansion. This was reported upon, in 1867, by Maj. N. Michler of the Corps of Engineers, United States Army, who favored the Rock Creek Valley region, its scope above Calvert Street embracing a very much larger area than is now incorporated in that park. Nothing further, however, appears to have been done at that time.

In 1880, Capt. R. L. Hoxie,[2] Corps of Engineers, United States Army, then assistant Engineer Commissioner of the District of Columbia, advocated the acquisition of approximately 8,000 acres in the same region for park purposes, but this project was never approved by Congress. A prominent feature of Capt. Hoxie's plan was the construction of an immense dam across the valley just above Georgetown for the purpose of increasing the water supply of the city. This would have formed a lake 4 miles long, entirely submerging the valley now occupied by the Zoological Park.

In 1886 the matter was again taken up by the House and Senate and finally in 1890 the sum of $1,200,000 was appropriated for the purpose of purchasing the lands. Various tracts, among them the present Zoological Park, were purchased with this appropriation from time to time up to December 13, 1894, at which date the acquired areas were turned over to the present board of control, consisting of the Commissioners of the District of Columbia as one party and the

[1] Report of the secretary, Board of Control of Rock Creek Park, 1913.
[2] Park Improvement Papers, No. 7, which see for a more extended history of the upper valley park.

Digitized by Google

Chief of Engineers of the Army as the other party to the board. Up to this time 1,605.9 acres had been acquired, costing, all expenses included, $1,174,511.45. None of these purchases, however, was below Connecticut Avenue, although in 1889 Georgetown citizens had urged that the area be extended down to P Street. In 1904 a portion of the land lying between the Connecticut Avenue Bridge and Massachusetts Avenue was dedicated to the District as a free gift by Charles C. Glover.

Various additions to the areas lying between Massachusetts Avenue and the District line have since been made, but it appears that very little was done in an official way to incorporate the lower valley into the park system until 1893. In that year Capt. William T. Rossell,[1] United States Army, Engineer Commissioner of the District of Columbia, made an elaborate report upon a scheme which called for a large conduit from Massachusetts Avenue to the Potomac River. Nothing was done toward this project except to build a culvert at Massachusetts Avenue in 1900. In the meanwhile (in 1899) a map had been made for the Washington Board of Trade [2] showing an open valley treatment from Massachusetts Avenue to L Street, connection to be made with Potomac Park by way of Twenty-seventh Street. This map was essentially similar to one which had been laid before the same body some 10 years before.

In 1901 the Commission on the Improvement of the Park System of the District of Columbia, consisting of Messrs. Daniel H. Burnham, Charles F. McKim, Frederick Law Olmsted, jr., and Augustus-Saint Gaudens, presented a comprehensive report to the Senate upon the improvement of the entire park system of the District.[3] After considering both an open and a closed treatment of Rock Creek Valley they unanimously advocated the open-valley project. Their report says:

> The Massachusetts Avenue crossing over Rock Creek has been designed and is under construction as a culvert and fill upon the assumption that the first plan will be carried out, but although this fill will interfere with the perfect execution of the open-valley plan, we feel compelled to recommend the definite adoption of the latter on grounds of economy, convenience, and beauty. We may point out, however, that the park drives and paths under the open-valley plan would be separated by grade from conflict with the commercial traffic of a busy district. The sights of the inland region between Pennsylvania Avenue and Q Street are for the most part merely shabby, sordid, and disagreeable. It is, therefore, a very fortunate opportunity that permits the seclusion of the parkway in a valley the immediate sides of which can be controlled and can be made to limit the view to a self-contained landscape, which may be beautiful, even though restricted. In so far as it was practicable, without essential injury to the parkway, we have followed lines already fixed for streets on the highway plans and elsewhere have provided for new boundary streets.

Although the recommendations of the park commission brought no immediate results, in 1908 the matter was taken up by the District Commissioners by direction of Congress, and a full report[4] recognizing the three methods of treatment was presented to Congress.

Not until 1913 was authorization given for the acquirement of the areas needed to perfect this parkway. In that year Congress passed an act[5] which directed the acquirement of such land as might be needed for connecting Potomac Park with the Zoological Park,

---

[1] S. Doc. No. 21, 52d Cong., 2d sess.
[2] Park Improvement Papers, No. 7, for which see map.
[3] S. Doc. No. 166, 57th Cong., 1st sess.
[4] S. Doc. No. 458, 60th Cong., 1st sess.
[5] Public buildings act, sec. 22, approved Mar. 4, 1913. (See Appendix A.)

Digitized by Google

authorizing an expenditure of $1,300,000 toward that end. No action could be taken under this authorization, however, because no actual appropriation had been made available.

Meanwhile the Board of Commissioners of the District of Columbia, in a communication dated November 10, 1913,[1] called attention to a survey made in accordance with the foregoing act, a copy of which they forwarded. They made a number of meritorious suggestions based in part on the physical changes which the survey disclosed as having taken place since the former taking lines were fixed, and in part on a more mature consideration of the problem than had been previously given. Consideration of the points raised by this communication disclosed the urgent need of further legislative action permitting a change of taking lines at many points.

Upon receipt of the aforementioned communication, and by direction of the President, the chairman of your commission transmitted it and the survey for submission to the National Fine Arts Commission, who, upon investigation concurred in the suggestions therein contained, setting forth their views in a communication[1] dated November 24, 1913. The National Fine Arts Commission suggested that plans be prepared immediately looking to a solution of the many problems involved, and in conformity with their suggestions the Rock Creek and Potomac Parkway Commission sent a communication[2] to the Speaker of the House transmitting a draft of a resolution which proposed to supplement the original legislative authorization so as to permit necessary and desirable changes in the then proposed taking lines.

The committee of Congress to whose attention this resolution was submitted, however, were not inclined to consider any proposition which would delegate discretionary power to any individual or body to alter the taking lines previously approved by Congress unless detailed accounts of such takings had been submitted to Congress and had been passed upon by them as satisfactory.

The resolution, therefore, did not pass, but an appropriation[3] of $5,000 was granted your commission at once with specific directions as to further study of the lines.

Your commission thereupon appointed Col. William W. Harts, United States Army, officer in charge of public buildings and grounds, its executive officer, and authorized and directed him to proceed at once with the preparation of the data required by Congress under the above enactment.

The above constitutes a brief summary of the events which led up to the present studies for the new taking lines in the areas affected, detailed statements of which appear in the appendix.[4]

---

[1] See Appendix B [2] See Appendix C. [3] See Appendix D. [4] See Appendix H.

Digitized by Google

CHAPTER II.

GENERAL DISCUSSION OF THE PROBLEM OF A PARKWAY CONNECTING POTOMAC PARK WITH THE ZOOLOGICAL AND ROCK CREEK PARKS.

It is seldom that a large city has an opportunity for so effectively cleaning up unsightly and insanitary conditions as those appearing in the lower Rock Creek Valley, the result of which will make it possible to connect two such large public areas as Potomac and Rock Creek Parks.

Rock Creek Park, with its varying landscape of delightful woodland stretches and interesting rocky gorges, sparkling stream and peaceful glades, has been open to the public for some years; so has the National Zoological Park, whose many exhibits attract thousands of visitors.

From the Calvert Street entrance to the Zoological Park there is a park drive leading through Rock Creek Park to the District line, a distance of about 6 miles, so that only the intervening 2½ miles to be covered by the proposed Rock Creek and Potomac Parkway is lacking to afford a continuous parkway drive of 14½ miles, including the drives of Potomac Park.

Comprehensive plans have already been prepared for presentation to Congress for converting East Potomac Park into a great public recreation ground, and the drive along its shores is already completed. One may now enter a great park area at Seventeenth and B Streets and, by following along the easterly shore of the basin, pass entirely around East Potomac Park, thence along the shore drive of West Potomac Park as far as Easbys Point—a distance of 6 miles.

West Potomac Park, with its stately memorial to Abraham Lincoln, is fast developing into one of the show places of the Nation, but after passing Easbys Point in going north we plunge at once into the chaotic conditions of an undeveloped water front.

There is at present no means of connection between these two groups except by way of the most ordinary city streets. It is true one may ride in the saddle or walk about half the way along a winding stream through an attractive valley, but the remainder of the valley in this intervening area is inaccessible even to pedestrians, its natural features having long since disappeared under great dumps of ashes and city refuse whose steep slopes descend precipitously to the stream's edge. To unaccompanied women and children the trip through the more accessible section of this valley is not altogether without drawbacks, for as these areas are largely private property effective policing is difficult.

The taking line problem begins at Easbys Point, so that for convenience in making plans and for comparison of areas and costs with former studies the same division into sections has been maintained as was used in the report of 1908.

Briefly these sections are as follows:

I—Easbys Point to L Street.

II—L Street to P Street.

III—P Street to Massachusetts Avenue.

IV and V—Massachusetts Avenue to the Zoological Park.

Digitized by Google

SECTION I—EASBYS POINT TO L STREET.

In 1901, when the Senate Park Commission formulated their plan for quays along the river, bordered and overlooked by an elevated boulevard extending from Easbys Point to Georgetown, there was quite an extensive business carried on along this water front. During the past 15 years these activities have dwindled to such comparatively small proportions that the overhead viaduct connection is no longer appropriate; the less costly and more convenient one of surface boulevard connection should be submitted. There is sufficient width for such a boulevard, and we are are therefore justified in considering the space available between the east building line of Twenty-seventh Street and the established bulkhead line as ample for the only plan which appears feasible for this section. The parkway here will present a more busy appearance than the river drive along West Potomac Park because of the parallel traffic road with its flanking houses, and the probable boating concessions between the boulevard and the river.

No commercial enterprises other than that of the Washington Gas Light Co. and those conducted under boating concessions should be permitted to cross the parkway or occupy the river frontage bordering it. Boating privileges are a universally recognized essential to public use and enjoyment of any park having water features; they always add interest and life to the landscape, but should, of course, be installed and maintained under proper supervision.

In this connection it is understood that the United States, under established legal precedents, has absolute control of the city streets and water front, as was originally intended when the city was laid out. This being the case the ejection of the few private interests now improperly located along the water front between the works of the Washington Gas Light Co. and Potomac Park should not be difficult. No further mention of these cases is deemed necessary because they are now in process of settlement by the Department of Justice.

The situation, however, as regards the Washington Gas Light Co. and the Chesapeake & Ohio Canal Co., the two large corporations occupying ground necessary for the purpose of the United States in this locality, is quite complicated and difficult, owing to the fact that these two corporations occupy very nearly the entire section of the valley lying between the river and the Pennsylvania Avenue Bridge, and completely choke it up in this vicinity. The physical and legal questions arising from their long-standing occupation of these areas are so different from other land problems occuring on the parkway beyond that it is considered best to discuss these two cases separately. The Chesapeake & Ohio Canal Co. by reason of being a public-service corporation, and of having its occupation of some of its areas authorized by original grants, is by far the more difficult, and as its solution furnishes a basis for the location of the park extension across the gas company's property, discussion of the canal company's case is undertaken first.

Separation of Rock Creek from the Chesapeake & Ohio Canal.—To carry a surface parkway along the Rock Creek Valley between the gas works and Needwood Street on the basis of a complete separation of the creek and the canal is, it is believed, here advocated for the first time. A plan for such a treatment of the parkway presents an entirely new feature and appears to be the most satisfactory solution.

Digitized by Google

The separation would benefit the canal company by affording them a constant control of water level and freedom from the steady accumulation of silt from the wash of the creek valley. It would be of benefit to the United States in that it would afford the most suitable location for the proposed boulevard, and it would preclude future claims against the United States by the canal company because of flood damage and cost of dredging the accumulations of silt from the canal, as well as permit the only feasible basis for adjusting their respective real estate interests.

The table, Appendix F, was compiled as a basis for the proposed agreement and shows the location and assessed valuation of the areas under consideration as those involved, while Plan III was constructed to indicate the areas listed in the table. As will be seen on Plan III this corporation claims many of these parcels of land along the shores of the creek as far north as M Street. Some of these were acquired through legislation,[1] some by condemnation for flowage purposes prior to building the dam at the mouth of the creek, some are accretions, some were formed by the canal company by filling in the old basin, and some were towpaths on the sides of this basin which were left inland when the latter was filled. Whatever the legal rights of ownership are in these lands, the fact remains that they are an effective barrier to the complete development of the parkway in this part of the valley until the way is cleared by mutual agreement or legal action. The latter method offers prolific opportunities for delay and a possibility of ultimate defeat of the United States claims as to title. Should this latter be the result the canal company would be in position to make its own terms, and this with the incident legal expense would probably bring the cost to more than that required to reach an amicable settlement at the present time. There is also the certainty that delay would result in a considerable increase in valuation of all property affected. In the opinion of your commission, therefore, an adjustment of these questions of title, parkway location, and method of handling the work by mutual agreement would appear most advantageous from the standpoint of the United States. The administration of the affairs of this corporation is supervised by the Supreme Court of the District of Columbia and the Circuit Court of Washington County, Md., and any agreement tentatively accepted by the officials of the company would need to be considered primarily as their recommendation to those courts. To be favorably acted upon by the courts they would have to be convinced that its fulfillment would not work to the disadvantage of the owners of this property.

After the preparation of numerous studies to determine the best course to pursue, a number of conferences were held with the representatives of the company and of the courts, who tentatively agreed to the establishment of the lines proposed. On the basis of these lines they formulated their statement[2] of the position of the canal company in the matter which, in brief, offered to relinquish all their right and title to lands east of the proposed west boundary of the new parkway upon condition that the United States pay the cost of the separation of the canal from the creek, placing the so relocated canal in a satisfactory working condition, and releasing all right and title

[1] See laws of Virginia and Maryland, approved by the United States, 1824; Virginia, 1831; Maryland, 1850; and also many general acts up to date.
[2] See their communication, Appendix F.

Digitized by Google

to contested and uncontested lands west of the proposed west boundary of the new parkway, as indicated on Plans II and III and listed in table, Appendix F. This table shows the canal company releasing all claims and title to about 130,263 square feet of uncontested land, valued at about $56,289, while the United States would release about 27,642 square feet of uncontested land, valued at about $14,849; this indicates an advantage to the United States of about $41,440 of value in uncontested land. There would be a release of about 132,980 square feet of contested land, valued at about $73,175, on the part of the canal company and a similar release of about 29,863 square feet of contested land, valued at about $23,397 on the part of the United States; the advantage to the United States in contested land would be about $49,778, so that if the balances in both classes of land were combined, the Government's advantage in land values would be about $91,218, not including a minor item of small parcels of land not listed which amount to about $8,941.

As it affects the parcels occupied by them the project consists of digging a new canal bed through a portion of square 94A where the west boundary of the parkway is shown crossing that area, digging a new canal and dry dock on square 1193, constructing two new locks, and building a new sea wall on the established bulkhead line. This work, properly finished in accordance with approved methods, is estimated to cost about $114,000; this includes engineering and all contingencies. It is properly chargeable to the Chesapeake & Ohio Canal portion of the project because it is undoubtedly incumbent on the Government to put the canal in proper working order again if it is seriously disturbed in making these changes.

The new creek bed is a concomitant feature of the creek-canal separation, but is not a contractural feature of the proposed arrangement with the canal company. All things considered its cost is estimated at about $50,160, which should be charged to the cost of the parkway project. It would, of course, have to be done in conjunction with the canal work in order that the waters of the creek may be diverted during operations. In this connection it is of interest to note that in 1893 Capt. Rossell, United States Army, advocated buying the rights of the Chesapeake & Ohio Canal Co. and roughly estimated the cost of establishing a new outlet for them at from $100,000 to $150,000.[1]

In determining what should constitute a proper and satisfactory condition in which the United States should leave the canal property where incidental changes in it for the public good are made necessary, due consideration should be given to the fact that this company's terminal is located so as to form an important constituent part of the parkway itself. For the proper appearance and permanent results there should be a cement retaining wall, supported by spiles below the water level, along both sides of the canal and along the new creek bed.

Another and equally important reason why this should be the type of construction employed is the necessity of economizing in the total width of the parkway at this point. By the use of cement retaining walls the slopes leading up to the drives can begin at a higher level, thus saving a considerable amount of land which would

[1] S. Mis. Doc. No. 21, 52d Cong., 2d sess.

Digitized by Google

otherwise have to be acquired in order that too steep flanking banks be avoided.

It should be stated here that the study of the taking lines in this section, as well as along the remainder of the parkway, has been based on a preliminary study of a plan of development. Otherwise there would have been no means of arriving at a basis of negotiation with the canal and gas companies, or upon an accurate determination of the location of the necessary taking lines themselves. Every effort has been made to arrive at practicable results commensurate with this great undertaking and in favorable comparison with like park undertakings elsewhere. To this end methods of construction as well as costs of the same have been considered in consultation with the engineers of these companies and, pending the making of detailed working drawings, may be considered as reasonably accurate.

An exceedingly important phase of the project is that the work should be so conducted as not to interfere with the daily conduct of the routine business of the canal company or of the lessee of its mole. The lessee constantly has tons of sand and stone piled on the mole, and incoming and outgoing shipments must not be held up if we are to prevent the possibility of damage claims. The operating season for canal boats is from the first of April to the middle of December, and certain parts of the work could be performed during that period; the remainder could be performed during the closed season from December 15 to April 1.

The apportionment of the various constructive operations on this work so as to fit into the routine work of the canal company and that of their lessee will be a delicate and difficult operation if damage claims are to be avoided. It is suggested that the canal company itself be required to handle and conduct all such operations.

The work to be done in connection with the separation of the canal from the creek is of such paramount importance, since it controls the success or failure of a large part of the parkway undertaking, that the United States would be well justified in assenting in the project as herein outlined after protecting its rights in the terms of the agreement, particularly as no scheme could be devised for clearing up a tense situation of long standing with such good results and at a so comparatively small cost to the United States.

Negotiations having reached this stage the results were submitted to the Department of Justice, who raised the question as to whether the term "any lands west of the line," contained in the letter dated October 27, 1915, received from the attorney of the canal company, applied to any areas not indicated on the table or on Plan III as intended to be included in this problem.

This raised questions concerning about 200,000 square feet of land in squares 1171 and 1172, including the mole as extended, title to which was not intended to be considered by your commission in the present adjustment. The question thus raised was submitted to the officials of the canal company for a more explicit statement, but at the present time their answer has not been received by your commission.

Should the canal company eventually not take the view of your commission in the matter, preferring to adjust questions of right and title by legal means, it should be here pointed out that the taking

Digitized by Google

lines are so adjusted as to permit of a permanent parkway drive being carried through which will be a part of the ultimate plan.

This precaution would enable the parkway work to progress while such legal adjustment was being worked out to a conclusion.

Proposed adjustment affecting the Washington Gas Light Co.—The Washington Gas Light Co. case resembles that of the Chesapeake & Ohio Canal Co. in that it also occupies considerable areas of land claimed by the United States. Unlike the Chesapeake & Ohio Canal Co., however, it constitutes a public-service corporation which may at some future time be operated and controlled by the Government. In view of this situation this problem is one involving questions of policy, engineering, and finance.

Whether it is the best policy to remove the present works complete to some other site, or to make adjustments with the company on the basis of their continuing business at their present location is determined partly by the engineering difficulties and partly by the cost. The company now owns Analostan Island, and this is, therefore, the only other practicable site to consider, particularly as it is directly across the river from the present works and therefore could be connected with the larger service mains which are nearest to them. It is a location which could be as readily served by rail or water as the present one. If other sites should be considered in localities not convenient to the present service pipes, it would involve the laying of entirely new pipe lines over considerable areas, to the great damage of city streets, and consequent reimbursement of such heavy expense by the United States.

The removal of the plant of a public-service corporation of this type, whose business is the continuous supplying of heating and lighting gas to a large population, is an exceedingly difficult operation involving a large initial expenditure. If half of the gas retorts, washers, purifiers, and holders are to be moved, set up, and put to serving the community while the remaining portion of the works are moved and set up, there is supposedly a sufficient reserve of equipment so that each half will supply all the community's needs for several months, or during such period as the removal and reconstruction of the works shall occupy. This is not the case, however, for there is no present need for such idle equipment nor was such an emergency deemed imminent. Before dismantling their present structures it would therefore be necessary to build entirely new works on the island and connect the same with the service mains at the site of the present plant by means of a tunnel driven through rock under the river—a possible but costly operation.

When we come to consider the difficulties and the consequent cost as well as the necessary undeterminable legal expense to bring about such an undertaking and balance these against the advantages, there does not seem to be enough gained to justify the cost in money and time that this solution of the problem would entail. There is, too, no guaranty that other and far more objectionable structures would not take the place of the works so removed. All things considered, we are, therefore, forced to consider other methods of effecting our results.

In order to ascertain the best course to pursue, conferences were held with officials of the gas company. As a result an outline of a scheme to exchange contested and uncontested land was evolved

Digitized by Google

along lines which would not hamper the company in the conduct of their public service, and which would permit the construction of the parkway in such a position and by such methods over about 94,000 feet of land now used and occupied by the gas company as would meet the practical and esthetic requirements of the United States.

It should be stated here that study of the Chesapeake & Ohio Canal Co. problem was undertaken at the same time because the areas occupied by these two corporations interlock in such a manner that only by a coordinating solution of the joint problems can a proper adjustment of parkway roads, walks, and waterways be made.

The table, Appendix E, shows the location and assessed valuation of the areas involved in this arrangement and should be considered in conjunction with Plan III. All assessed valuation figures were obtained from the assessor's office, with the exception of those pertaining to the bed of streets, in which case the rate was considered to be the same as that of the adjoining blocks. This table shows the gas company as releasing all claim and title to about 88,233 square feet of contested land, valued at about $89,371, in return for about 43,122 square feet of contested land, valued at about $40,142, to be released by the United States, with the exception of that portion on the water front that is to be used as a wharf and that portion of H Street lying between Twenty-seventh Street and the proposed boulevard. This wharf and section of H Street would be for the exclusive use of the gas company so long as the manufacture of gas by this company at this plant required them, but should the company cease to manufacture gas here these areas would revert to the Government, the intention being to safeguard against their being used by others than the gas company or sold at a profit. This is a provision to which the company assents.

It was deemed best, however, to treat these areas, so far as discussion herein is concerned, as though they were on the same basis as the other areas in the same table.

In the uncontested areas the United States would give the gas company exclusive use and occupation to about 24,330 square feet of land valued at about $27,321 in the bed of H Street between Twenty-seventh Street and New York Avenue, under the same terms as mentioned in connection with the water front, and the gas company would release about 19,533 square feet of land, valued at about $21,974.

This indicates a release by the gas company of contested land estimated at $49,228 more than is released in return by the United States, and a release by the United States of uncontested land worth about $5,396 more than is released by the gas company, making a balance of about $43,832 more land value, contested and uncontested, released by the gas company than by the United States.

The gas company proposes to clear the land so released over which the proposed parkway is to pass, and to purchase and install its new machinery, made necessary by such modifications in their present plant, without cost to the United States. They state that bids received indicate an outlay of approximately $42,000 for this work on their part.

It may be inferred that the gas company places more value on the use of H Street than is indicated by its mere assessed valuation, as its acquirement would consolidate their equipment and render square 7 more accessible than is now the case. There would undoubt-

Digitized by Google

edly be an incidental great advantage to them in the stability imparted to the investment value of their securities were they assured the occupancy of their present site. As far as traffic needs are concerned the small section of H Street could well be spared, because any one approaching the parkway from an easterly direction would naturally take either Virginia or New Hampshire avenue, according to whether they were bound for the Zoological or Potomac Park. No other traffic except that destined for the gas works would possibly use it, and that traffic does not now use it because of the bad grades. There is, too, ample precedent for the abandonment of city streets to quasi-public uses.

Viewed from all points, there would be very great advantage to the United States in giving such an adjustment favorable consideration, partly because neighborhood conditions are adjusted to the present situation, but more particularly because of the certainty of obtaining immediate parkway results at this point, with accompanying improvement of conditions and the avoidance of future litigation on matters affecting titles on the premises concerned.

SECTION II—L STREET TO P STREET.

From L Street to P Street the valley presents a totally different type of physical conditions, the natural features having been almost entirely eliminated by the dumping of refuse on the creek banks. The former broad places have been narrowed to precipitous slopes of ashes and other rubbish, the unrestricted deposit of years. Where dumping has ceased the slopes are overgrown with tangles of bush and tree until they present a sordid and undesirable appearance. This condition has long militated against the occupancy of this region by any but the lowest type of population. In some cases the streets have followed the dumps and encroached upon the valley; tnis is especially true at the lower end, where the breadth of the parkway has been reduced to a minimum. The completion of the Pennsylvania Avenue Bridge still further constricts the valley at this point, making it difficult to get under that structure with a parkway presenting anything like the appearance desired.

Although the M Street Bridge will undoubtedly stand for some years more, there is some question as to whether it should ever be rebuilt on its present site. There is a strong argument in favor of omitting it, as investigation discloses the fact that most of the heavy hauling crossing this bridge at the present time is from the waterside freight terminals, and this will without doubt eventually cross Pennsylvania Avenue Bridge when it is open to traffic. This traffic would naturally go across the K Street Bridge to Washington Circle, and thence along the same route it now takes into the city, but for the fact that the K Street bridge is too narrow and too light, and that between the bridge and Washington Circle the pavement is of the old-fashioned cobblestone type, rendering it exceedingly difficult to haul any but the lightest loads over this route. If this condition is remedied there is no doubt whatever but that the major part of this heavy traffic will seek that route. This desirable result would make it practicable to omit the M Street Bridge, supplying the needs of upper Georgetown by means of a

Digitized by Google

new bridge at N Street. Provision has been made on the plans for such a contingency. If it is decided to rebuild the M Street Bridge it might be better to divert the Georgetown end to Olive Street and use the structure largely for driving traffic.

That part of the parkway immediately south of P Street widens out into a broad amphitheaterlike valley, and when properly developed would present a very attractive appearance. A properly designed and constructed parkway through this section would be of particular benefit to both Washington and to Georgetown.

The contemplated method of handling the constructive features in this section would enable us to take less land than was formerly planned and to save a very considerable ultimate expense in the final development of the park.

SECTION III—P STREET TO MASSACHUSETTS AVENUE.

The parkway in this section includes the valley where once stood the old Lyons mill. It is a long, narrow, and beautiful stretch of landscape. The stream for the most part flows at the base of a moss-covered retaining wall along Oak Hill Cemetery, a feature in itself. The topography of this well-kept cemetery has the effect of making this section of the parkway appear much wider than it actually is. This is fortunate, as on the opposite side of the valley a long stretch of land formerly contemplated as a part of the park has been filled level with Massachusetts Avenue, thus rendering it no longer desirable as an integral part of the parkway.

Montrose Park is now in possession of the United States, and the small valley at its northerly side connecting Lovers Lane with the parkway would form a romantic approach, which, together with the completion of the Q Street Bridge would afford opportunities for park design not hitherto contemplated.

SECTION IV—MASSACHUSETTS AVENUE TO ZOOLOGICAL PARK.

The main boulevard would pass into this section by means of a tunnel through the Massachusetts Avenue embankment and lead at once into the handsomest section of the proposed parkway. Its broad expanse is overlooked by well-wooded hills along whose crests, for the most part, border roads have already been established. An exception is at the corner where the westerly end of the Connecticut Avenue Bridge terminates. A park entrance at this point is imperative and would considerably improve the general appearance of the bridge terminal, as the fill necessary to create this entrance would produce a broader effect. This bridge easily dominates the vicinity by reason of its great size and fine appearance, and whatever can be done to improve its terminals would contribute toward the artistic effect of the whole.

In this section we begin to get a very real appearance of the country, for its winding stream overhung with trees and its open glades give a foretaste of the beauties of Rock Creek Park above. The triangular area between Connecticut Avenue Bridge and Calvert Street Bridge is largely occupied on its westerly side by the Zoological Park, and a careful adjustment between its roads and those of the proposed parkway will be necessary, although there are difficult problems of design to be confronted if a boulevard is to be

Digitized by Google

successfully carried through the Zoological Park so as not to interfere unduly with that park's natural functions.

There are very few cases in this country which can be cited as a parallel to the possibilities of this parkway. Old Muddy River, separating Boston from Brookline, Mass., might, in a lesser degree, be considered one. It was a muddy stream contaminated with sewage, running through a shallow valley and part of the way along a railway embankment; its banks were not as high and its scale much smaller. Nevertheless it has enough in common with this project to justify a comparison of its finished effect. One quite noticeable result of the Boston-Brookline project has been the improvement in class of buildings since erected along the borders, a result that will surely be reflected in the case of Rock Creek Parkway. This is not only a valuable esthetic feature but also one which is reflected in increased tax returns.

It should be borne in mind that the Government already owns about 68 acres of the approximate 162 acres required for this parkway, or nearly 42 per cent, and that this study indicates a reduction of about 43 acres in the amount of land to be purchased, as compared to that under the former plan.

Appendix H, and more especially its summary, may be consulted for a more detailed comparison while Appendix I will give the detail of the individual lots involved.

As this report is primarily upon proposed taking lines and not upon park development, only such brief mention of the valleys of sections 2, 3, and 4 has been made as will contribute toward a clearer understanding of the project as a whole, and as will supplement the fuller explanation of the actual taking lines which appears in the appendix.

Very respectfully,

W. G. McAdoo,
Secretary of the Treasury.
H. L. Scott,
Secretary of War ad interim.
D. F. Houston,
Secretary of Agriculture.

Wm. W. Harts,
Colonel, United States Army,
Executive and Disbursing Officer.

Digitized by Google

CHAPTER III.

APPENDIX A.

PUBLIC BUILDINGS ACT, APPROVED MARCH 4, 1913.

[Public, No. 432; H. Rept. 28766, p. 22.]

SEC. 22. That for the purpose of preventing the pollution and obstruction of Rock Creek and of connecting Potomac Park with the Zoological Park and Rock Creek Park, a commission, to be composed of the Secretary of the Treasury, the Secretary of War, and the Secretary of Agriculture, is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, such land and premises as are not now the property of the United States in the District of Columbia shown on the map on file in the office of the Engineer Commissioner of the District of Columbia, dated May seventeenth, nineteen hundred and eleven, and lying on both sides of Rock Creek, including such portion of the creek bed as may be in private ownership, between the Zoological Park and Potomac Park; and the sum of $1,300,000 is hereby authorized to be expended toward the acquirement of such land. That all lands now belonging to the United States or to the District of Columbia lying within the exterior boundaries of the land to be acquired by this act as shown and designated on said map are hereby appropriated to and made a part of the parkway herein authorized to be acquired. One-half of the cost of the said lands shall be reimbursed to the Treasury of the United States out of the revenues of the District of Columbia in eight equal annual installments, with interest at the rate of three per centum per annum upon the deferred payments. That should the commission decide to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, such proceedings shall be in accordance with the provisions of the act of Congress approved August thirtieth, eighteen hundred and ninety, providing a site for the enlargement of the Government Printing Office.[1]

APPENDIX B.

EXECUTIVE OFFICE OF THE
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, November 10, 1913.

The SECRETARY OF THE TREASURY,
Chairman of Commission to Acquire Land in Valley of Rock Creek, between Zoological and Potomac Parks, Washington, D. C.

SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a blue print (in two sections) of the survey made by the surveyor of the District of Columbia of the proposed connec-

[1] U. S. Stat. L., vol. 26, ch. 837.

Digitized by Google

tion between the Zoological Park and Potomac Park along Rock Creek, in accordance with section 22 of the public buildings act, approved March 4, 1913 (Public, No. 432). This survey was made in accordance with an understanding had at the first meeting of the commission provided in said act, at which the Engineer Commissioner of the District of Columbia was present.

The act in question places no duty upon the Commissioners of the District of Columbia in respect to the acquisition of the land for this proposed park connection, but in forwarding the map the commissioners have the honor to submit the following suggestions for such consideration as your commission might see fit to give them.

First. There would seem to be good reason for including the ravine along Woodley Road, east of Connecticut Avenue, so that a park entrance might be had from Connecticut Avenue into the extreme north end of the park connection. The topography at this point is particularly adapted for some such treatment.

Second. The boundary along the south side of Calvert Street, proposed, should be changed in accordance with the line of Calvert Street as proposed in the new highway plan. This would provide a much better grade for Calvert Street.

Third. After the filing of the map defining the limits of the park connection, Thirtieth Street north of Benton Street was changed, leaving a parcel of land between the street and the United States property known as lots 1, 2, and 3, square 2145. This should be included in the park connection.

Fourth. Subsequent to the filing of the map defining the limits of the park connection, there was a special act of Congress (Public, No. 201, approved June 26, 1912) providing for the extension of Lovers Lane and Rock Creek Drive. This drive falls within the limits of this park connection, and the line of the park connection should be changed so that there would not be conflict at this point.

Fifth. There would seem to be no necessity for the entrance from Twenty-eighth and R Streets, through Oak Hill Cemetery, to the park connection. The grade at this point is almost prohibitory; besides, many graves of deceased members of prominent District families would be disturbed. The cemetery was a gift of William Wilson Corcoran to the community. It was chartered by an act of Congress in 1849, and is not intended as a source of gain. There are 12,000 interments, mostly prominent families, in the cemetery, and this connection would necessitate the removing of a great many of these bodies, among them men of national reputation, such as Edwin M. Stanton, Francis Scott Key, and many others. There is no space within the limits of this cemetery where these bodies could be placed, and this would seem to be a desecration if permitted.

Sixth. After the filing of this map it was found necessary to change the line of Q Street in the construction of the Q Street Bridge, and the park connection line should be changed in accordance with that location.

Seventh. Some study and report should be made for a proper terminal for the Chesapeake & Ohio Canal. This is quite an engineering problem, and would require considerable study and investigation.

Eighth. The last suggestion would be a connection from the end of this park connection at Twenty-seventh and G Streets to the Potomac Park, only a few squares away. The only way now would

Digitized by Google

be by way of the existing city streets. The river front should be acquired so that the entire front would be under the jurisdiction of the United States, or a viaduct provided so that business would not be disturbed along this water front. The treatment of this, however, should not be hastily determined.

There are 560 different parcels included within the boundaries of the proposed park connection, containing 196.4 acres It is estimated that the total area to be acquired would be 125.7 acres. The area publicly owned, not including streets, is 59.4 acres. The area within the limits of Rock Creek south of P Street is 6.4 acres, and there is believed to be about 5 acres of accretion. The total extreme length of the park connection is 2.7 miles and the perimeter 9.4 miles.

It is not believed that the present law will permit changing the limits of the park connection as defined in the map, but in the event any new legislation is asked for the changes in the outlines of the park connection which have been suggested might be provided for.

The commissioners also suggest that action be taken to prevent dumping of refuse within the limits of private property included in the park connection. They understand that many thousand loads of dirt and refuse have been dumped there since the approval of the act. Further dumping could probably be prevented through the prompt filing of condemnation proceedings.

Very respectfully,

BOARD OF COMMISSIONERS OF THE
DISTRICT OF COLUMBIA,
By O. P. NEWMAN, *President.*

OFFICE OF THE SECRETARY OF THE TREASURY,
November 13, 1913.

MY DEAR COL. HARTS: Referring to your recent call on me at the direction of the President, I take pleasure in handing you herewith blue-print copy (in two sections) of the survey made by the surveyor of the District of Columbia of the proposed connection between Zoological Park and Potomac Park along Rock Creek, in accordance with section 22 of the public-buildings act approved March 4, 1913, which I understand the President desires you to submit to the Commission of Fine Arts for any suggestions they may care to make in the premises. I also inclose a letter from the District Commissioners making certain suggestions concerning the connection.

Very sincerely, yours,

W. G. MCADOO.

Col. W. W. HARTS,
Officer in Charge of Public Buildings and Grounds,
Washington, D. C.

NOVEMBER 24, 1913.

The SECRETARY OF THE TREASURY,
Chairman of Commission to Acquire Land in Valley of Rock Creek, between Zoological and Potomac Parks.

SIR: The Commission of Fine Arts have examined the map of the survey of the proposed connection between the Zoological Park and Potomac Park along Rock Creek, and the copy of a letter of the Com-

Digitized by Google

missioners of the District of Columbia to you in relation to the same dated November 10, 1913, and, in response to your request conveyed by letter to Col. William W. Harts, officer in charge of public buildings and grounds, dated November 13, 1913, submit the following comments and suggestions:

We have compared the present survey with the plans for the improvement of Rock Creek upon the open-valley plan contained in the report of the Commissioners of the District of Columbia dated April 30, 1908 (S. Doc. No. 458, 60th Cong., 1st sess.), and have made such examinations of the premises as practicable within the time since the receipt of your letter. We concur in the eight numbered suggestions embodied in the letter to you of the Commissioners of the District of Columbia of November 10, 1913, and offer the following additional comments:

In connection with the sixth suggestion concerning changes at Q Street, we beg to point out that the condemnations provided for under the act (Public, No. 432, sec. 22) and the opening of Q Street will radically alter the conditions of use of the remaining property occupied by the street railway company just south of Q Street, and that the structures and yards remaining in the possession of the company will be likely to present a very unsightly appearance in connection with the new viaduct and the park improvements; also, that the northeasterly corner of this remaining property, as the limits of the taking are defined on the survey in accordance with the act, comes so close to the creek as to make it difficult, if not impossible, to carry out any satisfactory plan for the construction of drives, walks, and other improvements along the creek. This will be made apparent by a comparison of plans Nos. 1 and 2 accompanying the report of the Commissioners of the District of Columbia of April 30, 1908, with the present survey at this point. For all of these reasons it seems very important that carefully studied plans for the improvement of the taking line prescribed by Congress in this vicinity should be made as a basis of recommendations for additional legislation, should such be necessary.

We not only concur in the seventh suggestion, that some study and report should be made for a proper terminal for the Chesapeake & Ohio Canal, but point out that the plan for carrying the proposed park drive across the creek in this vicinity (plan No. 2 accompanying the report of the Commissioners of the District of Columbia of Apr. 30, 1908), which appears to have determined the limits of land acquirements as now defined, is open to serious objection because of awkward alignment and unpleasant relation to the proposed new Pennsylvania Avenue Bridge; and that a really satisfactory plan for the treatment of this section might indicate the desirability of modifications of the boundary as now defined. There appear to be several other points where the exact lines might advantageously follow existing street or property lines instead of cutting diagonally through lots, as, for examples, at the intersections of Olive Street and N Street with Twenty-seventh Street, and of L Street with Twenty-seventh Street.

We strongly indorse the eighth suggestion as to the desirability of providing for some park connection from Twenty-seventh and G Streets to Potomac Park, either along the water's edge or on a viaduct so constructed as to permit the continued commercial use of

Digitized by Google

the water front, and it is our opinion that so far as concerns the beauty and park value of such a connection it would be preferable that it should follow the water front, as it may finally be established, at grade rather than occupy a viaduct with a commercial water front outside of it. Only in case the economic interests of the District imperatively require the continued use of this water front for commercial purposes would it be worth while to consider the viaduct plan.

In view of the foregoing we suggest that plans should be prepared immediately for the development of the proposed connection between Zoological Park and Potomac Park along Rock Creek. This commission would be pleased to advise concerning such plans from time to time in the course of their preparation.

Very respectfully,

COMMISSION OF FINE ARTS,
By DANIEL C. FRENCH, *Chairman.*

APPENDIX C.

[House Document No. 999, Sixty-third Congress, second session.]

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, May 23, 1914.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

SIR: By act of Congress approved March 4, 1913 (37 Stats. L., p. 885), the acquirement, by purchase, condemnation, or otherwise, of land and premises lying on both sides of Rock Creek, including such portion of the creek bed as may be in private ownership, was authorized at a cost not to exceed $1,300,000, and a commission consisting of the Secretary of the Treasury, the Secretary of War, and the Secretary of Agriculture was constituted to conduct the operations incident to the acquisition.

The main intent of this act was to acquire, for park purposes, a strip of land connecting Potomac Park with the Zoological Park and Rock Creek Park, utilizing therefor land not valuable for buildings or for commercial purposes. The nature of this land has for many years prevented the development of an important part of the city, and the land itself is mainly valuable for the purposes for which it is now desired. The act requires that the limits of this strip shall be within the taking lines shown on the map on file in the office of the Engineer Commissioner of the District of Columbia, dated May 17, 1911. This map was drawn to a small scale, was not based on accurate surveys, and the lines were placed apparently without special study of local conditions. Since the passage of the act the strip has been surveyed by the surveyor of the District of Columbia and an accurate map obtained showing property holdings and their dimensions. Since this survey was completed the subject has been given further study by experienced engineers and a number of difficulties have been discovered which would be likely to delay unreasonably, if not prevent altogether, the execution of the law as originally passed.

From this survey it appears that the lines established in the act as taking lines will, if rigidly adhered to according to the law, cost the

Digitized by Google

Government much more than is necessary for the purposes of the act, and there is serious question as to whether acquirement by condemnation proceedings can be accomplished in some instances without much litigation, if at all.

It will be seen that the taking lines provide for the acquisition of the mouth of the Chesapeake & Ohio Canal, which is operated as a public utility under contractual relations with the United States. The owners maintain that condemnation proceedings by the United States against them for the possession of their canal mouth would be ineffective. In any event, if possession of all the area within the taking lines should be required as called for by the act, it would include the mouth of the canal and therefore make it necessary for the canal company to secure a new outlet outside of the taking lines, which could be done only at great cost—perhaps in excess of the total amount authorized. It is believed, however, that the canal company would not object to agreeing on some new location for their canal outlet within the taking lines, which would be equally useful to them and would not materially interfere with the proposed parkway. Such an agreement could probably be made for a fraction of the cost of condemnation along the lines required by the act.

In a similar way the portion of the property of the Washington Gas Light Co. which is involved, if obtained by condemnation, would cost a very large sum, owing to the existence of a great number of mains under the surface and certain of their buildings and plant above ground, as well as the water-front rights. It is maintained that much of their property is on ground owned by the United States, but without authority, and suits are now contemplated to settle this question of ownership. Should the claims of the United States be established, as is probable, agreements could undoubtedly be made with the gas company by which the right of way for park purposes can be secured without much, if any, expense. Condemnation in this case also would be inexpedient.

Attention is also invited to a large number of lots between M and Q Streets, which are crossed diagonally by the taking lines, making it necessary to purchase, in some cases, a small portion of a lot, which, if the usual experience in condemnation is had, will cost as much as the entire lot, the Government paying the full price therefor and acquiring possession of only a portion. For the sake of economy it would be much better in these cases to have the taking lines conform to property or lot lines as far as practical.

Furthermore, the physical connection between the mouth of Rock Creek and Potomac Park was not sufficiently included in the taking lines as mentioned in the act, and proper provision should be made for this connection, as otherwise the purposes of the act will not be accomplished. Again, in some instances more land will be required to enable roads to be constructed, while less land than is designated will be needed in other cases. The total area of land to be acquired under the proposed modifications will probably be less than that included in the map referred to in the act.

For all these reasons some latitude and discretion should be granted the commission in the acquisition of land and in the method of obtaining possession which will enable them to utilize the means which are most economical to the United States.

Approximate estimates show that the cost of acquiring this land will probably be greatly in excess of the amount authorized, possibly

Digitized by Google

amounting to twice as much, for which provision has not been made specifically in the act. It may have been the intention of Congress that the provisions of the act of June 26, 1912 (37 Stat. L., p. 178), relative to the assessment of benefits, should be applied in the acquisition of this land, but no explicit mention of this purpose was made in the first legislation, and therefore none is included in the suggested amendment. It is the opinion of the commission that the provisions of the act of June 26, 1912, relative to the assessment of benefits should be applied to the acquisition of this land.

By act of Congress approved July 1, 1898 (30 Stats. L., ch. 543), the park system of the District of Columbia was placed under the control of the Chief of Engineers, United States Army, and all parks acquired since that date have been added to this system by a provision in each act by which such parks were acquired. During this time a number of park areas have been transferred from the District Commissioners and added to this system. A provision to this effect is therefore included in the present proposed legislation.

The proposed resolution has been prepared with a view to overcoming the difficulties and inexpediencies mentioned above and to supplement the original act to that extent. It has the approval of the Department of Justice.

Respectfully,

W. G. McAdoo,
Secretary of the Treasury,
Chairman Rock Creek Valley Parkway Commission.

[Inclosure.]

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the commission created by section 22 of the public buildings act approved March 4, 1913, for the purpose of acquiring land for a connecting parkway between Potomac Park and the Zoological Park shall have power, in its discretion, so to amend the map on file in the office of the engineer commissioner of the District of Columbia, dated May 17, 1911, as to exclude lands not needed and to include lands needed for the execution of a plan for the said parkway approved by the Commission of Fine Arts: *Provided,* That the total area of lands finally to be acquired for said parkway shall not exceed the area authorized to be acquired by said act: *Provided further,* That the said commission is hereby authorized to settle and compromise all questions and controversies between the United States and adverse claimants of titles to lands within or adjacent to the area desired for said parkway, subject to the approval of the Attorney General of the United States, who may, in such settlement and compromise or in any condemnation proceedings requested by said commission, exercise the power in him conferred by sections 363, 364, and 365 of the Revised Statutes of the United States, any provision of law to the contrary notwithstanding. Toward the acquisition of the said lands and for the payment of the expenses incident thereto, the sum of $75,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated and shall be available until expended: *Provided,* That the said lands when acquired shall be a part of the park system of the District of Columbia, subject to the provisions of section 2 of the act of Congress approved July 1, 1898 (30 Stat., ch. 543).

APPENDIX D.

[Sundry civil bill, p. 9, approved Mar. 3, 1915; Public, No. 263, 63d Cong.]

Connecting Parkway between Rock Creek and Potomac Parks: To enable the commission, created by section twenty-two of the public buildings act approved March fourth, nineteen hundred and thirteen,

Digitized by Google

to survey the exact boundaries of the lands now desired to be embraced in a connecting parkway between Potomac Park and Zoological Park and to submit a map showing in detail such survey and indicating the changes proposed thereby as compared with the map now on file in the office of the Engineer Commissioner of the District of Columbia dated May seventeenth, nineteen hundred and eleven, $5,000.

APPENDIX E.

Property involved in crossing lands of gas company.

[Areas subject to verification by actual survey.]

	Square feet.	Assessor's rate.	Two-thirds value.	Full land value.
CONTESTED.				
To be released by gas company:				
Square 3—				
West of Water Street, G to H Street	25,795	$0.75	$19,346.25	$29,019.38
Bed of Water Street, H to Twenty-seventh Street	22,718	.75	17,038.50	25,557.75
Square 2—				
Bed of Water Street at I Street (2)	6,504	.50	3,252.00	4,878.00
H Street at Water Street	12,420	.35	4,347.00	6,520.50
Southwest corner of Water and I, on shore	680	.75	510.00	765.00
On bed of Water Street	13,730	.75	10,297.50	15,446.25
Do	3,666	.75	2,749.50	4,124.25
West of Water Street on creek between H and I Streets	2,720	.75	2,040.00	3,060.00
Total	88,233	.....	59,580.75	89,371.13
To be released by United States:				
Square 3—				
North corner of Water Street out of bed of Water Street	1,682	.75	1,261.50	1,892.25
Shore of Potomac, G to H Street	25,030	.75	18,772.50	28,158.75
Square 2—				
H Street at Twenty-seventh Street	6,930	.35	2,425.50	3,638.25
H Street at creek	7,020	.35	2,457.00	3,685.50
Northwest corner of H Street and creek	2,460	.75	1,845.00	2,767.50
Total	43,122	.....	26,761.50	40,142.25
Excess of contested land released by gas company over that released by United States	.....	.....	.....	49,228.88
UNCONTESTED.				
To be released by United States: Square 2, bed of H Street, Virginia Avenue to Twenty-seventh Street	24,330	.75	18,247.50	27,371.25
To be released by gas company:				
Square 3, southeast corner Water and H Streets	850	.75	637.50	956.25
Square 2, east of Water Street H to I Street	18,683	.75	14,012.25	21,018.38
Total	19,533	.....	14,649.75	21,974.63
Excess of uncontested land released by United States over that released by gas company	.....	.....	.....	5,396.62
SUMMARY.				
Balance of contested land released by gas company	.....	.....	.....	49,228.88
Balance of unconsested land released by United States	.....	.....	.....	3,396.62
Balance showing the gas company releasing more land than the United States	.....	.....	.....	43,832.26

Digitized by Google

WASHINGTON GAS LIGHT CO.,
Washington, D. C., November 22, 1915.

Col. WM. W. HARTS, United States Army,
In Charge of Public Buildings and Grounds,
Washington, D. C.

DEAR SIR: Since our interview some weeks ago in regard to the proposed boulevard connecting the Speedway and Rock Creek Park through the property of the Washington Gas Light Co.'s west station works, Twenty-sixth and G Streets NW., I beg to advise you that full consideration has been given the matter.

I find that the quantity of land owned by the Washington Gas Light Co. which will be occupied by the proposed boulevard is in the neighborhood of 102,659 square feet; and that the cost of tearing down and removing the tanks, machinery, buildings, and apparatus now on the land will be about $42,000.

If H Street is closed from Twenty-sixth to Twenty-seventh Streets and from Twenty-seventh Street to the Boulevard and the said land in the line of H street conveyed by the United States to the gas company, the number of square feet in such land will be about 32,475.

Not wishing to delay you in your work, but, on the contrary, desiring to help you in every way it can, the Washington Gas Light Co. makes the following proposition, to wit:

In consideration of the United States closing and conveying to the gas company H Street from Twenty-sixth to Twenty-seventh Streets and from Twenty-seventh Street to the boulevard, quitclaiming to the gas company any interest it may have in any land between the boulevard and the river, together with an easement to cross either over or under the boulevard to reach the river from its works, and will, at its own cost and expense, make any and all changes in the present bulkhead wall along the river in front of the company's west station works that may be required by the United States, the gas company will tear down and remove all of its buildings, tanks, machinery, and apparatus from its land lying west of Twenty-seventh Street in the line of the proposed boulevard, and will convey to the Government all its land lying west of Twenty-seventh Street which may be required for the proposed extension of said boulevard.

All of which is respectfully submitted.

Very truly, yours,

H. S. REESIDE, *President.*

(See letter from Department of Justice, Appendix G.)

FEBRUARY 7, 1916.

Mr. HOWARD S. REESIDE,
President, Washington Gas Light Co.,
Washington, D. C.

MY DEAR MR. REESIDE: With reference to our conversation of a few days ago over the location of the new proposed parkway connection, permit me to say that I feel very much gratified that your company has consented to accept the suggestions of the Department of Justice that actual titles of Government land be not given your company for areas suggested by you to be exchanged for the boulevard area needed by us and now occupied by you, as shown in our

Digitized by Google

Drawing III, 1916, but that the privilege of exclusive use and occupation would be acceptable.

I am advised that the officer of the Department of Justice, before whom the matter has been laid, does not consider it necessary to insist upon the suggested 20-year limitation of this privilege, provided the other conditions be complied with.

I should be glad to have your formal confirmation of your recent verbal suggestion, so that the matter may be made one of record for presentation to the proper Government authorities.

Very respectfully,

WM. W. HARTS,
Colonel, United States Army.

WASHINGTON GAS LIGHT CO.,
Washington, D. C., February 11, 1916.

Col. WILLIAM W. HARTS,
In Charge of Public Buildings and Grounds,
Washington, D. C.

MY DEAR COL. HARTS: Replying to your letter of the 7th instant, I beg to advise you that for the purpose of aiding you in your efforts to connect the Speedway or Potomac Park with Rock Creek Park by a boulevard through the property of the Washington Gas Light Co., said company is willing to modify its offer contained in letter to you under date of November 22, 1915, and, in lieu of a conveyance to it of the fee simple title to certain lands therein referred to, is willing to accept a grant to it of the exclusive use and occupation of said land during the existence and operation in the District of Columbia of said corporation.

The proposition of the gas company, as contained in said letter of November 22, 1915, except as modified above, to remain as therein set forth.

Very respectfully, yours,

H. S. REESIDE, *President.*

APPENDIX F.

Property involved in the proposition for separating Rock Creek from the Chesapeake & Ohio Canal, M Street to the Potomac River.

	Square feet.	Assessor's rate.	Two-thirds value.	Full land value.
UNCONTESTED.				
To be released by the Chesapeake & Ohio Canal Co.:				
At northeast end of river lock	2,800	$0.75	$2,100.00	$3,150.00
Square 1193, area west of creek	91,863	.25	22,966.00	34,449.00
Square 1194, along creek	35,600	.35	12,460.00	18,690.00
Total	130,263	.....	37,526.00	56,289.00
To be released by the United States:				
Square 1198, lots to be purchased at corner of Twenty-ninth and Needwood Streets	27,642	.....	9,899.00	14,849.00
Excess of uncontested land released by the canal company over that released by the United States	.....	.....	.....	41,440.00

Digitized by Google

***Property involved in the proposition for separating Rock Creek from the Chesapeake & Ohio Canal, M Street to the Potomac River*—Continued.**

	Square feet.	Assessor's rate.	Two-thirds value.	Full land value.
CONTESTED.				
To be released by the Chesapeake & Ohio Canal Co.:				
Square 94A, west of Twenty-eighth Street	66,503	$0.50	$33,252.00	$49,878.00
Twenty-eighth Street, north of K Street	3,339	.20	668.00	1,002.60
Square 4, west of	26,453	.20	5,291.00	7,936.00
Square 1194, under Pennsylvania Avenue Bridge	14,950	.35	5,233.00	7,849.00
Square north 4, west of	14,435	.20	2,887.00	4,330.00
Square west 14, west of	7,300	.20	1,460.00	2,190.00
Total	132,980	.....	48,791.00	73,175.00
To be released by United States:				
Square 94A, west of Twenty-eighth Street	29,863	.50	14,932.00	23,397.00
Excess of contested land released by the canal company over that released by the United States	.....	.....	.....	49,778.00
Total balance of land area released by the canal company in excess of that released by the United States	205,738	.....	.....	91,218.00
Estimate of that portion of the cost of separating the canal from the creek directly chargeable to this operation	.....	.....	.....	114,000.00
From which deduct the above excess of land value released by Chesapeake & Ohio	.....	.....	.....	91,218.00
Balance of cost to the United States	.....	.....	.....	22,782.00

In addition there are certain small areas, not shown on the plan or included in the table, which connect some of the contested areas, and which would undoubtedly be claimed by the canal company as making the old towpath continuous; they amount to about 27,104 square feet, valued at about $8,941, and would be covered by the agreement of exchange.

WASHINGTON, D. C., *October 27, 1915.*

Col. WILLIAM W. HARTS, United States Army,
Executive Officer Rock Creek Parkway Commission.

DEAR SIR: Acting upon your request made at the termination of our interview on yesterday, I am stating in this letter the position of the trustees of the Chesapeake & Ohio Canal Co. regarding the preliminary plan submitted by you showing the desired line of the parkway through the valley of Rock Creek and the changes in the line of the canal.

As verbally stated on yesterday the trustees of the canal would have much preferred a different alignment, and one farther eastward between K Street and the river front, believing that this more easterly line would give to the Government a better line and save to the canal property and advantages that are not so well preserved by the line of your selection.

In order, however, to bring to a conclusion a long-pending controversy over property rights and canal location, and to meet, as far as possible reasonably, the wishes and efforts of the Government in beautifying the city of Washington by park improvement and connections, the trustees of the canal have earnestly endeavored to meet your wishes in the premises as far as consistent with protection to the

Digitized by Google

canal and its interests, and accordingly they have determined to accept your plan as presented and indicated on the plan submitted, provided—

First. That the modifications in the canal bed and line near the entrance to the river lock and the lock above K Street Bridge shall be made so as to make a practical operating entrance to said locks, as indicated by Mr. Nicolson at our interview on yesterday. These modifications were at that interview talked over and pointed out, and I understood both from you and your assistant that they can be made without difficulty or detriment to your plan of improvement. Accordingly, if these modifications can be made so as to meet, in their final adoption, the approval of the trustees, the first condition of their acceptance of the plan will be fulfilled.

Second. The second and final condition made by the trustees is that the new wharf line made necessary by your proposed plan shall be built to the established bulkhead line, as indicated on your map, at the cost and expense of the United States, this structure to be staple in character and material and sufficient to stand the stress and strain of conditions, and to meet the approval of the trustees.

As stated at our interview the necessity for this new wharf front is occasioned by your plan of improvement, and in the opinion of the trustees it is only equitable that the cost of the building of the wharf to the bulkhead line should be without cost to the canal, especially in view of the fact that in accepting the alignment created by your plan a very considerable quantity of real estate is lost to the canal, which would have been saved to it by the adoption of a more easterly location as desired by the canal trustees.

An additional reason for this payment by the Government is that if a more easterly location was substituted the cost of the property to be acquired by the Government would go very far to pay for the building of the wharf.

The acceptance of the plan upon the conditions stated, to wit, the modifications made in order to make practically operative the canal at or near the locks, and the construction of the wharf to the bulkhead line at the cost of the Government, is not only considered by the trustees a fair and even liberal position on their part, but they do not think that they could secure from the courts now operating the canal through the trustees an acceptance of an offer any less advantageous to the company.

If, therefore, we come to an agreement regarding the modifications at or near the two locks and the construction of the new wharf line at the cost of the Government, our understanding of the arrangement between the Government and the trustees of the canal, covering the entire situation, is as follows:

That the Government will pay the cost of constructing the canal in its new location, with suitable retaining walls; of the construction of the two new locks and dry dock substantially as located on your map, and of the acquisition of the land between Twenty-ninth Street and the canal north of K Street not owned by the canal company, to be deeded to the canal company free of cost; the Government also to give a quitclaim deed for all of its right, title and interest in any lands lying west of the line from which the canal company deeds its land to the Government. The canal to accept the new location and to turn over to the Government all lands lying east of the

Digitized by Google

west park line running from the north of Rock Creek to M Street. The exact boundaries of the lands to be quitclaimed by the canal to the Government and by the Government to the canal are indicated on your map and may be definitely fixed when the final plans are completed.

There is another question connected with the proposed arrangement, though not directly entering into the same, and one which should now be considered and cared for.

During the period of construction under the proposed plan the use of the wharf belonging to the canal, known as the "Mole Wharf," will be so interfered with as to necessitate a practical suspension in operation, unless special provisions are made to enable a temporary handling of the business now conducted thereon. This is a condition which will be entirely an incident to your plan and its execution, and should be, in the opinion of the trustees, cared for by the Government.

I am returning herewith the plan submitted and ask that you will send me a copy of the same.

Yours, very truly,

GEORGE E. HAMILTON,
Attorney for Chesapeake & Ohio Canal Co.

(See letter from Department of Justice, Appendix G.)

JANUARY 13, 1916.

Col. WILLIAM W. HARTS, United States Army,
Executive and Disbursing Officer,
Rock Creek and Potomac Parkway Commission.

MY DEAR COL. HARTS: Your letter of January 12, with inclosures, received.

While the suggestion of Mr. Glassie is entirely out of harmony with the trend of our former negotiations, and his denial of right in the canal company to its present location and to its properties absolute and sweeping, I deem it advisable to refer the matter to the chairman of the board of trustees of the canal company before making final answer.

This reference has been made and I hope in a very short time to reply in definite terms.

Yours, very truly,

GEORGE E. HAMILTON.

JANUARY 18, 1916.

Col. WILLIAM W. HARTS, United States Army,
Executive and Disbursing Officer,
Rock Creek and Potomac Parkway Commission.

DEAR SIR: As stated in my note of January 13, your letter of the 12th instant, with inclosures therein referred to, was forwarded by me to the chairman of the board of trustees of the Chesapeake & Ohio Canal Co. for consid ration on the part of said trustees, and their direction to me in the matter of a more definite answer to your communication.

I am to-day in receipt of the views of said trustees, and this reply to your letter of January 12 is accordingly made.

Digitized by Google

The trustees of the canal company do not consider Mr. Glassie's criticism, view, or position well founded, and are unwilling for a moment to consider the acceptance of his suggestion, which is practically a denial of any right in or on the part of the canal to property, to location, or even to equitable consideration.

To consent to give up its present canal bed south of M Street, held under a compact resulting from the acts of Congress, Maryland, and Virginia; to part with its fee simple title to much of the property affected by the proposed adjustment, and its strong legal and equitable claim to the residue of such property, for, as Mr. Glassie puts it, "a concession by the Government to the canal of the use and occupation of this property so long as needed for the objects of its incorporation," does not appeal to the business thought of the trustees or to their sense of fair treatment.

Portions of this land obviously can not be used in connection with canal operation, and a change in the bed or line of the canal, as proposed by the Government, would still further destroy the possibility of such a use.

One of the very important considerations in their agreement to accept your plan or relocation was that so much of this land as was not required for canal operation, relieved of all controversy as to title, might be leased or sold and the proceeds applied by the court, which now directs its maintenance and operation, to either the reduction of debt or to needed betterments.

The trustees, in their negotiations, have endeavored only to insist upon what in their opinion was right and fair to the canal and its interests, and upon what would commend itself to the judgment of the court which directs them, an insistence moderated and reduced below their view of legal rights by the desire of the trustees to co-operate in your efforts to benefit and beautify the National Capital, and accordingly upon the receipt of your letter of October 12, with accompanying preliminary plans, they requested me to state to you their position, which was verbally done on October 26, and at your request reduced to writing in my letter of October 27, 1915, and they now direct me to state that the position taken in my said letter of October 27 is the one which they feel obliged to stand upon.

Very respectfully,

GEORGE E. HAMILTON.

(The following letter was received from the attorney of the Chesapeake & Ohio Canal Co. as the result of a conference between Col. Harts and himself:)

WASHINGTON, D. C., *February 11, 1916.*

Col. WILLIAM W. HARTS, United States Army,
Executive and Disbursing Officer,
Rock Creek and Potomac Parkway Commission.

DEAR SIR: I am directed by the trustees of the Chesapeake & Ohio Canal Co. to state that they have carefully considered your last suggestion in the matter of the relocation of the bed of the canal and the exchange and conveyance of property between the United States and the canal company, south of M Street, according to the last

Digitized by Google

preliminary plan submitted, which suggestion they understand to be as follows:

First. The separation of the canal from Rock Creek south of M Street and its relocation, as shown on your plan, at the Government's cost; the construction by the Government, at its cost, of a retaining wall along the new wharf line, made necessary by your proposed plan, of character and material sufficient to stand the stress and strain of conditions and to meet the approval of the trustees, and the transfer by the Government to the canal company of 57,505 feet of ground as indicated on the last map submitted.

Second. The transfer to the Government by the canal company of 263,243 feet of land, as indicated on said last referred to map.

Third. That the land included in squares 1192 and 1171, and the mole property, with such additional land as may accrue by reason of the building of the bulkhead along the wharf lines above referred to, shall not be included in any agreement now reached, but should be permitted to be held by the canal company, so long as it continues in existence, to be used for the purposes of the canal, with a limited right to lease and without the right so sell, and that any attempt to sell would necessitate recourse to litigation to determine the question of title.

From the beginning of the negotiations now pending regarding this proposed relocation and exchange of property, the trustees of the canal company have proceeded on the theory that an adjustment of all questions relating to its line, its works, and its property in and along the line of Rock Creek south of M Street would be fully and finally determined; and their position, stated through me in my letter of October 27 to the effect that they would recommend to the court an acceptance of your plan as indicated on map by you submitted with your letter of October 12, subject to conditions stated in my letter of October 27, was based upon said assumption of final determination of all questions relating to the canal bed and its properties in the area referred to.

Your suggestions now under consideration, plainly stated, are that the canal company should yield up its present bed and consent to a relocation according to your plan, and release and convey to the Government 263,243 feet of ground, for and in consideration of a conveyance from the Government of 57,505 feet of ground and the construction of the wharf on the bulkhead line made necessary by the location of the lock on the new canal line of the Government's selection. The cost of separating the canal from the creek and relocating it along lines conformable to the parkway plan can not, it seems to the trustees, be taken as a consideration moving to the company, but is directly a charge to park improvement, the right of the canal company to its present bed and location being fixed by joint legislative intent, as expressed in the acts of Virginia and Maryland, accepted and ratified by the Congress of the United States.

Notwithstanding the difference between what the canal, as above shown, is asked to give and what it would receive, a difference so largely and apparently in favor of the Government, the trustees were willing to recommend to the court that its assent should be given to the separation of the canal from the creek, and its relocation according to the Government's desires and needs, and to convey and

Digitized by Google

release the 263,243 feet of ground referred to, provided that, in addition to the 57,505 feet of ground to be conveyed by the Government to the canal, and the construction of the retaining wall along the new wharf line established, the Government would release and quitclaim to the canal company any claim of right to the mole property and to squares 1192 and 1171, and the part of the abandoned creek bed adjacent thereto and any land added by reason of the proposed wall construction, and this because the Government had by suits instituted alleged some claim of title to the property last referred to.

Your present proposal excludes the two squares above referred to, the mole and any property that might be made and added thereto by reason of said wall construction, from the terms of a settlement, and requires that said property should remain to be used for canal purposes so long only as such purposes subsist.

The trustees are of the opinion that your refusal to convey and quitclaim these two squares and the mole property to the company is based upon some misapprehension of legal conditions to said property attached, and further that the suggestion that it should be held and used for canal purposes so long only as such purposes subsist gives to them no new or additional right; they now have said property and are advised that they can at least hold it and use it for canal purposes, and that to a considerable part of said property the canal company has a fee-simple title.

A better understanding of the rights and title of the company to the canal and its properties now under consideration, including its waterway, the mole and wharf and the land made within the limits of the old basin, will be obtained by reference to the charter of the canal company and the several enabling and amendatory acts thereto, passed by Congress and the Legislatures of Maryland, Virginia, and Pennsylvania.

By the fourth section of the charter of the company the president and directors were authorized to agree with any person or persons, on behalf of said company, to cut canals, erect dams, open feeders, construct locks, and perform such other works as they should judge necessary or expedient for completing the canal hereinbefore mentioned and described.

By the fifteenth section of the charter the president and directors are authorized to purchase any land needed for canal locks, dams, ponds, feeders, and other works, or, in case they can not purchase, to condemn land in the manner provided by that section. After providing the mode of condemnation, the section further provides that on payment of the jury's valuation "the said company shall be *seized of such land as of an absolute estate in perpetuity*, or with such less quantity and duration of interest or estate in the same, or subject to such partial or temporary appropriation, use, or occupation, as shall be required or described (in the inquisition), *as if conveyed by the owner of them.*"

By the thirteenth section the Potomac Co. is authorized to surrender its charter and convey in due form of law to the Chesapeake & Ohio Canal Co., all the property, rights and privileges owned, possessed and enjoyed by the Potomac Co.; and the Chesapeake & Ohio Canal Co. is thereupon authorized to accept such surrender and transfer, and to hold, possess, use and occupy all the said property, rights and privileges in the same manner and to the same effect as

Digitized by Google

the said Potomac Co. now hold, possess and occupy the same by law. Pursuant to this authority the Potomac Co. did convey all its property to the Chesapeake & Ohio Canal Co.

The eleventh section of the Potomac Co.'s charter (Virginia act of October, 1784) provides that upon the valuation by the condemnation jury and payment by the company "the said company shall be seized in fee of such land as if conveyed by the owner to them and their successors by legal conveyance." So that the thirteenth section of the charter of the Chesapeake & Ohio Canal Co. contemplated the acquisition by the canal company of the fee simple land of the Potomac Co.

The ninth section of the charter provides:

> That for and in consideration of the expenses the said stockholders will be at, not only in cutting the said canal and erecting locks and dams, providing aqueducts, feeders, and other works, and in improving and keeping the same in repair, the said canal and all other works aforesaid, or required to improve the navigation thereof, at any time hereafter, with all their profits, subject to the limitations herein provided and to none other, shall be, and the same are hereby, vested in the "said stockholders, their heirs, and assigns forever as tenants in common in proportion to their respective shares, and be forever exempt from the payment of any tax, inquisition, or assessment whatsoever."

The seventeenth section provides for the transfer of the stockholders' interest by deed.

The Supreme Court in Van Ness *v.* The Mayor, etc., of Washington, 4 Pet., 232, speaking through Mr. Justice Story, said:

> The streets and public squares are declared to be conveyed "for the use of the United States forever." These are the very words which by law are required to vest an absolute unconditional fee simple in the United States. They are the appropriate terms of art, if we may say so, to express an unlimited use in the Government. If the Government were to purchase a lot of land for any general purpose, they are the very words which the conveyance would adopt, in order to grant an unlimited fee to the use of the Government.

Mutatis mutandis, the same statement can be made of the language of the Chesapeake & Ohio Canal Co.'s charter, which provides that "the said company shall be seized of such land as of an absolute estate in perpetuity as if conveyed by the owner to them," and the provision of the ninth section which says that the canal and other works "shall be, and the same are hereby vested, in the said stockholders, their heirs, and assigns forever as tenants in common."

That the Chesapeake & Ohio Canal Co. acquired an absolute estate in fee simple in the land purchased or taken by it for its canal and works, is further shown by reference to the subsequent acts of the Legislatures of Virginia and Maryland and the Congress of the United States.

By the act of Virginia, passed February 27, 1829, and ratified by Congress March 3, 1837, it is provided:

> That whenever it may be necessary to form heavy embankments, piers or moles at the mouths of creeks or along the river shore, for basins and other purposes, and the president and directors may deem it expedient to give a greater strength to the same by widening them and constructing them of the most solid materials, the ground so formed for such useful purpose may by them when so made, *be sold out* or let for terms of years as they may deem most expedient for the company, on such terms as may direct the application of the proceeds thereof to useful purposes and at the same time repay the necessary expense of the formation of such embankments, piers or moles, provided this power shall in no case be exercised so as to injure the navigation of the canal.

Digitized by Google

These acts of Virginia, Maryland and the Congress of the United States constitute a complete legislative interpretation of the charter of the canal company as vesting in that company an absolute estate in fee simple in the land purchased or taken for its canal and works, and this conclusion is clearly expressed by the Court of Appeals of Maryland in the case of Bond *v.* Murray, 118 Md., 445.

Accordingly the trustees are of the opinion that they could not, with any proper regard for their duty as trustees, advise the court to approve or accept the last suggestion made by you, but, as heretofore stated, would advise an agreement and settlement along the lines stated in my letter to you of October 27, 1915, which is that the company would consent to the separation of the canal from the creek and the relocation, at the Government's cost, of its waterway as shown on plan by you submitted, the canal company to transfer to the Government the 263,243 feet of land required by it for park purposes, and indicated in yellow on the map last submitted, the Government to quitclaim to the canal company the lands lying west of the line from which the canal company deeds its land to the Government, being the 57,505 feet heretofore mentioned, squares 1192 and 1171 and the mole and wharf and any additions or accretions thereto by reason of the wall construction hereinafter referred to, making the total amount so quitclaimed about 240,000 feet in area, and the construction of the wharf to the bulkhead line as tentatively agreed upon.

This, in our opinion, would constitute a fair exchange of property, and, as before stated the cost to the Government of relocating the canal, which is entirely for the benefit of park improvement, should not be charged in any way to the canal company, the company being entirely satisfied with its present waterway.

The trustees are unable to suggest any other line of adjustment unless it be that the court, under whose direction they are acting, might consent to the relocation of its waterway, as indicated upon your plan, including the new bulkhead and at the Government's expense, the Government to acquire by purchase or condemnation such of the lands of the canal company lying east of the west park line running from the mouth of Rock Creek to M Street as are needed by the Government and not used by the canal company in connection with its works as relocated.

Yours, very truly,

GEORGE E. HAMILTON.

FEBRUARY 14, 1916.

Mr. GEO. E. HAMILTON,
Attorney and Counselor at Law,
Washington, D. C.

MY DEAR MR. HAMILTON: I have just received your letter of the 11th instant stating that the trustees of the Chesapeake & Ohio Canal Co. had carefully considered my last letter with regard to the canal mouth at the junction of Rock Creek with the Potomac River.

I am very sorry to hear that the trustees feel that they can not consent to the exchange of property on the basis proposed. I feel

Digitized by Google

that the equity against the United States in the suggestions of your trustees is so great that I would not be able to recommend it.

I can not help believing that the new mouth for the canal, which we suggested, is an asset of large value and that the exchange of land proposed in my letter, including this rebuilding, makes the arrangement a fair one for both sides.

I note the suggestion of your trustees that the only method of accomplishing our purpose of constructing a boulevard in this locality is to acquire the land necessary by purchase or condemnation.

Respectfully,

WM. W. HARTS,
Colonel, United States Army.

APPENDIX G.

DEPARTMENT OF JUSTICE,
Washington, D. C., January 8, 1916.

Col. WILLIAM W. HARTS, United States Army,
In Charge of Public Buildings and Grounds,
War Department.

MY DEAR COL. HARTS: I was glad to receive your letter inclosing copies of the written proposals of the gas light company and the Chesapeake & Ohio Canal Co. I have considered them, as well as the plat and table showing the proposed transfers of property, in the light of your very clear and complete exposition of the whole matter at our interview on Thursday. The proposition of the gas company, as modified by its subsequent statement, seems to involve two things:

(1) That the company shall have the use of the water-front property between the south line of the parkway and the river, so long as it, or its successors, manufacture gas at the present location of its western plant.

(2) That H Street be closed for the company's use between Twenty-sixth and Twenty-seventh Streets and from Twenty-seventh Street to the proposed boulevard.

If this occupation can be arranged in accordance with this limitation and without vesting a fee simple title in the company, I see no objection to the proposed settlement so far as the water frontage is concerned, or so far as the street space is concerned, if the Commissioners of the District of Columbia agree. But I suggest that the agreement should be explicit on these points:

Any interest in the tract lying between the parkway and the river should be limited to the right to use the same for wharf purposes in connection with, and as accessory to, the company's plant and works as now located for such period, not exceeding 20 years, as the company shall actually use the tract for the purpose stated.

Provision should be made that, in the event of the company's plant and works being acquired by the United States, or by the District of Columbia, whether by purchase or otherwise, either during said period of 20 years or any extension thereof that may be made, the right of the company in said tract shall immediately cease and determine and shall not be deemed a part of its property, assets, and franchises, or be estimated or considered in determining the value thereof.

Digitized by Google

That there shall be no liability on the part of the United States, or the District of Columbia, for the value or cost of removal of any structures which may be erected by the gas company on the land so occupied during the period specified.

The considerations which have occurred to me with respect to the proposed arrangement with the canal company are more numerous, but they come, in the end, to a suggestion similar to that made concerning the negotiations with the gas company, namely, that it does not seem advisable to change the relation now held by the canal company to a large portion of the land affected into a fee simple estate. The present tenure, at the best, is one of use for canal purposes so long only as such purposes subsist. A conveyance by the United States to the canal company would so materially change relative values as now existing and would give the canal company so greatly increased an area of marketable land that the United States would be put very much more at a disadvantage than has been estimated in the tabularized summary of the proposed transaction submitted to me.

It may be added that acceptance by the canal company of rights of use and occupation in all the land affected by the adjustment would greatly simplify the question of the acquisition of the additional land in square 1193 proposed as part of the consideration for the company's transferring the land in that square to which it apparently has complete title.

It seems to me that the terms of the proposed arrangement could be much more satisfactorily stated from the Government's point of view, if the concession to the canal company were confined to use and occupation so long as needed for the objects of its incorporation, and I can not see that the practical result would be thereby altered to the disadvantage of the company.

I am sincerely desirous of aiding, as far as I can, your purpose of securing a settlement of these two matters, in order that the whole project of the park connection may not be delayed, and I suggest that you inform the canal company of the objection which has been raised and ascertain whether the company considers that the acquiring of a fee simple title is an essential condition to its agreement to the proposed arrangement. If it insists on the acquisition of such a title under the terms which have been submitted to me, I am compelled to say that, as I am now informed and in my present view, I doubt whether it would be possible for me to recommend the proposed settlement with the canal company to the Attorney General.

Very truly, yours,

HENRY H. GLASSIE.

APPENDIX H.

DESCRIPTION OF THE PROPOSED TAKING LINES AND COMPARISON WITH THOSE SHOWN ON MAP REFERRED TO IN BILL S. 2366, SIXTY-SECOND CONGRESS, FIRST SESSION, FILED MAY 17, 1911.

In order that proper comparison may be made between the taking lines shown on the map dated May 17, 1911, and the new proposed taking lines, as required in the act of March 3, 1915, appropriating $5,000 for the present study, both are indicated upon Plan II, accompanying this report—the old in brown and the new in red. Upon this map red shading indicates property to be purchased; green, that

Digitized by Google

owned by the Government; yellow and purple, that involved in exchange with the gas and canal companies where such areas directly affect the parkway project; there may be other areas which might be subject to adjustment between the canal company and the Government that are not here shown, but which are not so located as to be a part of the parkway project. Plan III shows the exchange areas at a much larger scale and with the approximate square feet contained in each.

In order that definite and conclusive results may be arrived at in any scheme for a parkway, where land is to be acquired, the taking lines can only be located by first working out preliminary parkway designs, a procedure which was followed in this case with a great amount of care, the work being based on the best available surveys already made. The map of May 17, 1911, indicated taking lines crossing many lots diagonally and took many areas not essential to a parkway project, although such supplementary areas would undoubtedly round out the project and make it more beautiful.

There was another and extremely important feature which was lacking—that of a comprehensive scheme for the adjustment of the business of the Chesapeake & Ohio Canal Co. and of the Washington Gas Light Co. to the requirement of a through parkway.

The radical difference between the taking lines from the Potomac River to Pennsylvania Avenue, as shown on the map of May 17, 1911, and on Plans II and III, is due to the fact that they are predicated on entirely different theories. The former plan eliminated the canal from the present creek, thus necessitating its removal westerly to some new location, while the latter plan allows the canal to remain very nearly in its present bed and moves the creek easterly to a new location. Also, the former plan made no provision for supplying the gas company with facilities for receiving their supplies of coal, oil, and chemicals by water, while the latter plan provides for these facilities, thus making it possible for the company to continue business at its present location, as is explained more fully on page 15.

Effort has been made in the present undertaking to recognize the good points of former studies and to bring the whole project up to the standard of parkway practice in vogue in other cities as well as to the advance made here during the last five years.

Where possible to eliminate the diagonal crossing of lots it has been done, but in some cases, such as where one owner holds several lots assessed at the same rate, a diagonal line presents no difficulty because the lot lines can be readjusted to the advantage of the owner and to suit the changed conditions. There are other cases where so small an area is clipped from a lot as to result in no hardship.

In the following description the adjustment of the taking line as affecting certain lots is noted where there seems need for comment, such squares and lots, however, as are not mentioned either fall nearly all, or wholly, within the taking lines, and therefore need no comment.

SECTION I—EASBYS POINT TO L STREET.

Between Easbys Point and G Street there is a width of a little over 193 feet between the east side of Twenty-seventh Street and the new bulkhead line; and as there is little or no trace of the existence of Twenty-seventh Street between these two points the usual practice pertaining to such projects is adhered to—the taking lines including

Digitized by Google

this entire width. Such adjustment of jurisdiction would be made in relation to the new border roads as necessity might dictate; a policy which applies to all roads to be located along the border of the parkway.

Aside from questions of good sense and business judgment in the adjustment of the project in relation to the canal and gas company problem, there is one of such parkway design as will best serve needs of the community. As a matter of practical design the boulevard is best carried on the west side of the creek, between I Street and Lyons Mill Road, and careful study fixes the foot of New York Avenue as the best place for crossing the new creek bed. From this point the boulevard would be on a causeway between the canal and the creek as far as L Street. Allowance for a new creek bed of sufficient capacity to carry the maximum flood, and for a minimum width of planting slopes between it and the high level border road, fixes the taking line on squares 1, west 4, and north 4, and, in fact, at many other points along the parkway.

Square 1.—The taking line cuts off so small an area of lots 1, 3, and 4 that there would be no question of injury to the owners; lots 5, 6, and 7 being owned by the same parties there should be no question as to adjustment at the same price per square foot as though the whole were taken, particularly as these lots, considered as a unit, will certainly be worth more to the owners than is now the case. Lots 8, 9, 10, 11, and 12 have no buildings on them and are all in one ownership, all are taken except one-half of lot 8, a part of lots 9 and 12 and a very small fraction of lot 10; the remainder of lots 10 and 12 combine with lot 13 to the latters very great advantage because it makes it a corner lot, while the remnants of lots 8 and 9 together make a well-placed and salable lot. Lot 2 is in an estate of the same name as that of the owner of lots 3 and 4, and therefore the taking of only a small part of the land with the houses in the front should not affect the balance of the lot.

Square west 4.—The minimum line would cross this block the remnants of which would be so small that it is much better to take all rather than to invite controversy.

Square 1193.—There are several lots and fractions of lots in square 1193 which should be purchased in order to effect an exchange with the Chesapeake & Ohio Canal Co. and there are several other areas in this section which would be acquired by exchange with this company and with the Washington Gas Light Co.

	Square feet.
The amount of land to be purchased in Section I under the former plan was..	377,009
Under the present plan it is.....	122,965
Difference.....	254,044

SECTION II—L STREET TO P STREET.

Square north 4.—It is best to take a little more land than was shown upon the old map in crossing this square so as to provide an adequate outlet in case immediate consummation of the deal is not effected with the canal company.

Square 1194.—Lots 1, 2, 3, and 4 would be entirely surrounded by parkway lands because a part of this square is now Government property, as is Twenty-eighth Street adjoining, they are also needed to

Digitized by Google

carry out a proper parkway entrance at this point. All the remaining lots on the opposite side of Pennsylvania Avenue are included so as to provide a proper open space at the entrance to the new bridge.

Square west 14.—More has been taken in this square than is necessary for the parkway because of the difficulties of dividing the lots satisfactorily. There is a brick factory on lots 7, 8, and 9, which would have to be taken as a unit, and the lots not needed for actual parkway are so small that they should be all taken, that portion of the square not actually used as parkway will make a small and attractive triangle.

Square 1214.—A very considerable portion of this square has been taken for a school yard, and as the area so taken would be adjacent to the parkway, there is ample justification for crossing the square at any convenient angle; undoubtedly all of this square not taken for parkway will eventually be added to the school yard.

Square 13.—Lot 37 is crossed diagonally by the taking line which cuts off about one-half of its two-story brick building; all is taken therefore. Lot 38 is covered by a motion-picture house, and as the building would practically be destroyed, it would be best to take the whole property. Lot 5 is unoccupied, and as there would be a desirable lot left, facing the parkway, containing about 6,610 feet, with an average depth of 90 feet, there is justification for not taking back of the parkway line. Lot 6 is occupied by contractors' sheds, and as two-thirds of the lot is needed, it would be best to take all. Lot 11 is clipped so slightly that there is no reason for taking all, this applies to lot 10 also. Lot 9 has nearly 7,000 feet left, and will be so desirable a corner lot, facing on the N Street Bridge terminus, that it is best to leave this to balance the corner lot in square 23; there are many good corner houses in the city built on lots of less area than 7,000 feet. Lots 25 and 26 are small and it would be best to take them entire.

Square 1237.—The taking line crosses a number of small lots facing on Twenty-seventh Street, and while there would be enough remaining of them, taken collectively, to make a good building site, they are held separately, and it would be best, therefore, to take all of those crossed by the line.

Square 1238.—Only one lot is in question, it is occupied by a wooden house which would be purchased and removed, or it could be moved onto the remainder of the lot at about the same expense; there is so much of the lot left, and it is so well placed, that the owner would be better off by selling only the small portion of land needed.

Square 23.—Lot 18 is clipped on one corner, as is lot 12. The proportion taken is so small in comparison to the whole area as to in no way take away from its value, especially as this lot would be greatly benefited by the parkway project.

Square 35.—The same taking line is used here as was shown on the former map, because the physical conditions make any other solution impossible.

Square 49.—More is taken here than was the case on the former map in order that the retaining-wall problem can be reduced to a minimum. Lot 16 is unoccupied, except by a portion of an old stable, and the small portion (1,100 feet) taken from its rear in no way injures the property; on the contrary, it gives a parkway front to what would otherwise be back land. Lot 17 is cut across the rear.

Digitized by Google

but there remains enough back yard, so that the rental value should not be lowered; especially would this be so when the increased value of the property resulting from the parkway is considered. Lot 10 is occupied by two brick and one wood structures; the latter is taken, together with the land upon which it rests. Sufficient ground is left behind the brick buildings to make an adequate back yard, and the lot as a whole would be benefited by the parkway project.

Square 1262.—Lots 58 and 59 are held by the same person, and the portion left after the taking would undoubtedly be made worth several times the present value; it is fair to assume, therefore, that the owner would not reject a reasonable settlement for the small portions needed.

Square 1263.—The back portions of lots 65 and 66 are in one ownership and now make one deep lot facing on Twenty-sixth Street. The rear part of this lot will be its best front when the parkway is an assured fact; the small fraction needed should, therefore, be purchasable at the square-foot price of the lot. Lot 78; only a fraction equivalent to a piece 20 by 9 feet is needed from the rear, and as there would still be 90 feet to the front, there should be no question about the fairness of taking a portion only at the square-foot value per lot. The remaining lots to the east are not left in so good shape, and are, therefore, included within the taking lines.

Square east 1263.—It is necessary to take all lots within this square.

Square 48.—Lots 1 and 6 are unoccupied and should be considered as one, they, and lots 4 and 5, are now occupied by the Washington Riding Club. The riding club building is outside the taking line, as is the major portion of lots 1 and 6. As the future value of these lots depends, to a considerable degree, on the parkway, the owner should be content with the present lot value per square foot for that portion taken.

	Square feet.
The amount of land to be purchased in Section II under the former plan was	1,261,827
Under the present plan it is	1,228,116
Difference	33,711

SECTION III—P STREET TO MASSACHUSETTS AVENUE.

Square 47.—Lot 2 is all taken and a very small corner clipped from lot 1, so that Florida Avenue may be turned into the entrance of the proposed new P Street Bridge.

Square 2510.—Lot 803—that portion containing a garage is not needed, and only the vacant land is taken. Lots 33, 34, and 39 are clipped on their rears only and still have enough yard room left to serve the needs of these small brick houses; 39 is the smallest, being but 80 feet deep, but it would have 50 feet left in the rear of the house. These houses are comparatively old, and with the parkway an accomplished fact their places would undoubtedly be taken by houses more suited to the new conditions.

Square east 1264.—The position of the westerly end of the new Q Street Bridge makes it imperative that more land be taken from the street railway property than was contemplated on the old plan, so that a border road can connect P Street with this bridge. The only way that so much of this additional taking could be avoided

Digitized by Google

would be to take down the wing walls to the bridge and build a retaining wall north and south from the pedestals supporting the buffaloes—an undertaking of considerable cost, and one whose results would not present so good an appearance as would the method contemplated. On the north of Q Street only enough is taken to get a park entrance.

Square 2507.—Only enough is taken from the rear of some of the lots facing Sheridan Circle to make possible an alley connecting with that in the rear of the Massachusetts Avenue lots. The taking line corresponds with that on the old map up to square 2500, with the exception of a small corner of parcel 51/3 and the area formerly proposed as an entrance to the R and S Streets Bridge.

Square 2500.—Fourteen whole lots and the major portion of seven others are omitted from this taking, because they lie in such a position and at such a level as to make them of more value for building purposes than as a part of the parkway. It is necessary to take the front of lots 23 to 29 so as to carry the border road to Massachusetts Avenue without further fill into the valley; there are some particularly fine trees which could and should be saved at this point.

No part of Oak Hill Cemetery is indicated to be taken because nothing was to be gained by so doing; the green hillside of the cemetery adjoins the stream and presents a much better appearance in its present condition than would be the case if it were broken by a roadway. There should, however, be an agreement with the cemetery authorities in regard to protecting the trees along their side of the stream; these trees help to make a very beautiful effect. (See photo from Lyons Mill Bridge.)

Parcels 52/20, 52/21, and 52/22 should be taken as a whole. They cover the small run between Lovers Lane and Montrose Park and make possible a fine and very necessary parkway entrance. Parcel 39/5 is clipped a few feet to make the border road less in cut and fill and to make more nearly conform to the boulevard location. A reverse curve is desirable at its Massachusetts end so that W street and the border roads can be brought together more harmoniously at that point.

Montrose Park indicated as to be taken on the former plan is now the property of the Government.

	Square feet.
The amount of land in Section III to be purchased under the former plan was	2,490,733
Under the present plan it is	1,443,065
Difference	47,668

SECTIONS IV AND V—MASSACHUSETTS AVENUE TO THE ZOOLOGICAL PARK.

Square 2501.—Lots 3 to 10, inclusive, are held in the same names and if lots 3, 4, and 5 are cut diagonally it matters little, because lot 5, with the remnants of 3 and 4, form a very fine lot; on the other hand, if lot 3 was all taken there would be a triangular waste place left between the road and the back of lot 20 which would be sure to become unsightly. Lots 21, 22, and 23 are in the same ownership, the remnants 21 and 22 combined make a fine corner lot of about 7,125 square feet.

From this point the line is the same as on the map of May 17, 1911, and follows Belmont Road nearly as far as Connecticut Avenue Bridge.

Digitized by Google

On the opposite side of the valley Rock Creek Drive is built and accepted between Massachusetts Avenue and Twenty-eighth Street as projected; the line follows along the parkside of this drive as on the former plan. From Twenty-eighth Street it swings northerly and westerly through the property of a land company now in the hands of receivers. The lot lines have no meaning on this area, having been perpetuated by the assessors for purposes of record only. The taking line follows curves suited to fit the ground and present the best finished appearance. Where the taking line crosses square 2201 there would be an important park entrance and as this square is low and without important trees it could be used as a dump until filled to the required level. There would be a considerable saving of land to be taken by the readjustment of the line at this point over that indicated on the former plan.

There are several areas which could be included if a larger and more comprehensive park were desired, rather than a mere parkway. While such further takings are not included in the scope of this investigation it would not be amiss to mention one area in particular—that bounded by the north side of Rock Creek Drive, Connecticut Avenue, Calvert Street, and Massachusetts Avenue. The Government already controls considerable land within this area. Addition to these holdings would round out this tract, thus connecting the Rock Creek Parkway with the Naval Observatory Circle.

Between Connecticut Avenue and Calvert Street Bridges there is very little to be purchased, most of this area having been acquired some time ago.

Square 2202.—Should be purchased so as to keep any more buildings from crowding into the narrow space between the entrances to the two bridges.

Square 2543.—That portion of the square under consideration is unoccupied, and as all the lots taken are owned by one person and assessed at one price no attention need be paid to lot lines—they can be readily readjusted.

Square 2544.—Lots 822, 823, 824, 33, 34, and 35 are owned by the same person; the same remarks apply, therefore, as to the preceding block.

	Square feet.
The amount of land to be purchased in Section IV and V under the former plan was	1,860,012
Under the present plan it is	1,319,672
Difference	540,340

SUMMARY.

The amount of land to be purchased under the present plan, as compared with the plan of May 17, 1911, is here shown:

	Present plan.	Former plan.
	Square feet.	*Square feet.*
Section I	122,965	377,009
Section II	1,228,116	1,261,827
Section III	1,445,065	2,490,733
Sections IV and V	1,319,672	1,860,012
Total	4,113,818	5,989,581

Digitized by Google

A difference in land to be purchased at the present time of 1,875,763 square feet.

The full assessed value of the land contemplated for purchase under the present plan, as compared with the plan of May 17, 1911, is as follows:

	Present plan.	Former plan.
Section I	$67,667	$469,472
Section II	476,348	880,351
Section III	333,604	1,051,386
Sections IV and V	545,074	405,000
Total	1,422,693	2,796,209

For further and detailed statement of the areas involved see Appendix I for the lots to be purchased and Appendices E and F for those to be exchanged.

The Government now owns about 2,881,674 square feet of land within these taking lines, which, added to the above required areas, would make the parkway one of about 162 acres.

APPENDIX I.

Detailed tables showing names of owners, location, areas, assessment rates, and values of the property to be taken.

[Arranged by sections and squares and described in Appendix H. Section I, Easbys Point to L Street; Section II, L Street to P Street; Section III, P Street to Massachusetts Avenue; Sections IV and V, Massachusetts Avenue to the Zoological Park.]

Lot No.	Assessed to—	Data from assessor's office.					Property taken.			Remarks.
		Square feet assessed.	At two-thirds valuation.				Approximate square feet.	At two-thirds valuation.	At full legal valuation.	
			Rate.	Land.	Improvements.	Total.				
	SECTION I—EASBYS POINT TO L STREET.									
	Square 1.									
1	John Davis	2,126	$0.45	$957	$1,700	$2,657	187	$84	$126	Part.
2	Wm. Davis estate	7,691	.20	1,538	3,000	4,538	2,563	3,512	5,268	Part and building.
3	John Davis	6,747	.20	1,349	400	7,147	50	10	15	Part.
4	do	6,747	.20	1,349	.....	1,349	100	20	30	Do.
5	Geo. M., Saml. T., and Wm. J. Knott.	9,914	.20	1,983	.....	1,983	4,957	991	1,486	Do.
6	do	8,331	.21	1,666	1,500	9,831	4,250	2,392	3,588	Part and building.
7	do	4,166	.20	833	.....	4,166	1,528	305	457	Part.
7	Andrew and J. W. Frey.	4,166	.20	833	.....	4,166	705	341	511	Do.
8	do	7,668	.20	1,534	.....	7,668	3,780	756	1,134	Do.
9	do	6,264	.20	1,253	.....	1,253	4,320	864	1,296	Do.
10	do	5,508	.20	1,102	.....	1,102	5,133	1,027	1,540	Do.
11	do	4,050	.30	1,215	.....	1,215	4,050	1,215	1,822	All.
12	do	4,446	.25	1,112	.....	1,112	2,486	621	931	Part
	Total	.....	.....	.....	.....	.....	34,109	.....	18,204	

Digitized by Google

***Detailed tables showing names of owners, location, areas, assessment rates, and values of the property to be taken*—Continued.**

Lot No.	Assessed to—	Data from assessor's office.					Property taken.			Remarks.
		Square feet assessed.	At two-thirds valuation.				Approximate square feet.	At two-thirds valuation.	At full legal valuation.	
			Rate.	Land.	Improvements.	Total.				
	SECTION I—EASBYS POINT TO L STREET—Continued.									
	Square 2.									
	[Balance of lots are on exchange list.]									
2	Firman R. Horner...	7,797	$0.75	$5,848	.....	$5,848	7,797	$5,848	$8,772	All.
	Square 3.									
	[Lots in this square on exchange list.]									
	Square west 4.									
	[Other lots are on exchange list.]									
12	John O. Evans et al..	18,771	.20	3,754	$3,500	7,254	18,771	7,254	10,881	Do.
7	Jno. McL. Dodson and Catherine W. Godey.	3,548	.15	532	.....	532	3,548	532	798	Do.
8	....do.....	4,672	.12	561	.....	561	4,672	561	841	Do.
2	Frank Rupert.....	2,782	.20	557	400	957	2,782	957	1,435	Do.
9	J. McL. Dodson and Catherine W. Godey.	4,042	.20	808	400	1,208	4,042	1,208	1,812	Do.
10	.....	7,049	.15	1,057	600	1,657	7,049	1,657	2,485	Do.
11	F. P. Hackbury.....	2,200	.15	330	.....	330	2,200	330	495	Do.
11	.....do.....	1,200	.15	180	.....	180	1,200	180	270	Do.
2	.....do.....	1,500	.20	300	500	800	1,500	800	1,200	Do.
11	.....do.....	990	.15	149	.....	149	990	149	223	Do.
1	.....do.....	1,237	.20	247	500	747	1,237	747	1,120	Do.
11	Chas. Jacobson.....	2,400	.25	600	.....	600	2,400	600	900	Do.
1	.....do.....	1,775	.20	355	500	855	1,775	855	1,282	Do.
1	M. Cady.....	1,251	.45	563	600	1,163	1,251	1,163	1,744	Do.
	Total.....	.....	.....	.....	.....	.....	53,417	.....	25,486	
	Square 1193.									
	[Other lots are on exchange list.]									
6	John D. W. Moon....	6,642	.35	2,325	.....	2,325	6,642	2,325	3,487	Do.
11	John Davis.....	2,660	.35	931	.....	931	2,660	931	1,396	Do.
20	.....do.....	4,800	.35	1,680	.....	1,680	4,800	1,680	2,520	Do.
21	.....do.....	4,700	.35	1,645	.....	1,645	4,700	1,645	2,467	Do.
22	.....do.....	3,020	.35	1,057	.....	1,057	3,020	1,057	1,585	Do.
43	.....do.....	1,940	.35	679	.....	679	1,940	679	1,018	Do.
44	.....do.....	260	.45	117	.....	117	260	117	175	Do.
44	Frank T. Rawlins....	1,320	.50	660	.....	660	1,320	660	990	Do.
101	John Davis.....	2,300	.35	805	.....	805	2,300	805	1,207	Do.
	Total.....	.....	.....	.....	.....	.....	27,642	.....	15,205	
	Total for Section I.	.....	.....	.....	.....	.....	122,965	.....	67,667	
	SECTION II—L STREET TO P STREET.									
	Square North 4.									
11	Catherine O'Connor..	1,014	.70	710	.....	710	1,014	710	1,065	Do.
12	Dennis Connor.....	3,427	.60	2,056	800	2,856	3,427	2,856	4,284	Do.
12	.....	1,588	.60	953	2,000	2,953	1,588	2,953	4,429	Do.
18	Catherine O'Connor..	1,138	.65	740	.....	740	1,138	740	1,110	Do.

Digitized by Google

***Detailed tables showing names of owners, location, areas, assessment rates, and values of the property to be taken*—Continued.**

Lot No.	Assessed to—	Data from assessor's office.					Property taken.			Remarks.
		Square feet assessed.	At two-thirds valuation.				Approximate square feet.	At two-thirds valuation.	At full legal valuation.	
			Rate.	Land.	Improvements.	Total.				
	SECTION II—L STREET TO P STREET—Con.									
	Square North 4—Con.									
20	James Aloysius Tumulty.	2,240	$0.50	$1,120	$2,500	$3,620	2,240	$3,620	$5,430	All.
21	.....do.....	2,240	.50	1,120	2,500	3,620	2,240	3,620	5,430	Do.
22	.....do.....	2,240	.50	1,120	2,500	3,620	2,240	3,620	5,430	Do.
23	.....do.....	6,153	.55	3,384	200	3,584	2,816	1,548	2,322	Part.
	Total.....	.....	.....	.....	.....	.....	16,703	.....	29,500	
	Square 1194.									
	[*Other lots on exchange list.*]									
1	Benj. F. Leighton and Harry W. Dowling, trustees.	3,188	.35	1,116	.....	1,116	3,188	1,116	1,674	All.
2	.....do.....	2,198	.35	769	.....	769	2,198	769	1,153	Do.
3	.....do.....	1,510	.35	529	.....	529	1,510	529	793	Do.
4	.....do.....	824	.35	288	400	688	824	688	1,032	Do.
7	R. Henry Phillips..	1,643	.15	246	.....	246	1,643	246	369	Do.
8	.....do.....	2,408	.50	1,204	2,000	3,204	2,408	3,204	4,806	Do.
8	Michael Moran.....	1,017	.35	356	.....	356	1,017	356	534	Do.
9	Susie E. Schafer.....	2,080	.40	832	1,200	2,032	2,080	2,032	3,048	Do.
10	.....do.....	2,245	.40	898	1,200	2,098	2,245	2,098	3,147	Do.
11	.....do.....	1,762	.40	705	1,200	1,905	1,762	1,905	2,857	Do.
12	.....do.....	1,766	.40	706	1,200	1,906	1,766	1,906	2,859	Do.
13	William T. Lawton..	8,538	.40	3,815	12,000	15,815	8,538	15,815	23,722	Do.
14	Church of the Covenant.	2,700	.50	1,350	.....	1,350	2,700	1,350	2,025	Do.
14	.....do.....	1,738	.75	1,304	16,000	17,304	1,738	17,304	25,956	Do.
	Total.....	.....	.....	.....	.....	.....	33,617	.....	73,975	
	Square 13.									
5	Michael S. Cady, Julia A. Cady.	6,540	.15	981	.....	981	3,200	480	720	Part.
5	.....do.....	5,270	.25	1,318	.....	1,318	2,400	600	900	Do.
6	Dennis Connor.....	13,080	.10	1,308	100	1,408	13,080	1,308	1,962	All.
8	George Washington University.	25,651	.10	2,565	.....	2,565	25,651	2,565	3,847	Do.
9	Albert F. McDowell..	11,090	.25	2,773	.....	2,773	4,152	1,038	1,557	Part.
10	George Washington University.	11,090	.20	2,218	.....	2,218	400	80	120	Do.
11	Elias Travers.....	7,492	.20	1,498	.....	1,498	900	180	270	Do.
11	Sarah E. Jones.....	7,468	.20	1,494	1,600	3,094	225	45	67	Do.
15	Samuel Bensinger....	1,600	.05	80	.....	80	1,600	80	120	All.
16	.....do.....	1,600	.05	80	.....	80	1,600	80	120	Do.
17	Edwin D. Flathers...	1,600	.05	80	.....	80	1,600	80	120	Do.
18	.....do.....	1,600	.05	80	.....	80	1,600	80	120	Do.
19	Charles H. Stanley...	1,600	.05	80	.....	80	1,600	80	120	Do.
20	.....do.....	1,600	.05	80	.....	80	1,600	80	120	Do.
21	.....do.....	1,600	.05	80	.....	80	1,600	80	120	Do.
22	.....do.....	1,600	.05	80	.....	80	1,600	80	120	Do.
23	.....do.....	1,600	.05	80	.....	80	1,600	80	120	Do.
24	.....do.....	1,600	.05	80	.....	80	1,600	80	120	Do.
25	.....do.....	1,600	.05	80	.....	80	1,600	80	120	Do.
26	Robt. A. Phillips....	1,600	.05	80	.....	80	1,600	80	120	Do.
27	Chas. H. Stanley.....	1,600	.05	80	.....	80	1,606	80	120	Do.
28	.....do.....	1,600	.05	80	.....	80	1,600	80	120	Do.
29	.....do.....	1,600	.05	80	.....	80	1,600	80	120	Do.
30	.....do.....	1,600	.05	80	.....	80	1,600	80	120	Do.
37	Joseph I. Leary.....	1,600	.60	960	3,500	4,460	1,600	4,460	6,690	Do.
38	.....do.....	5,500	.30	1,650	3,500	5,150	5,500	5,150	7,725	Do.
	Total.....	.....	.....	.....	.....	.....	82,706	.....	26,778	

Digitized by Google

***Detailed tables showing names of owners, location, areas, assessment rates, and values of the property to be taken*—Continued.**

Lot No.	Assessed to—	Data from assessor's office.					Property taken.			Remarks.
		Square feet assessed.	At two-thirds valuation.				Approximate square feet.	At two-thirds valuation.	At full legal valuation.	
			Rate.	Land.	Improvements.	Total.				
	SECTION II—L STREET TO P STREET—Con.									
	Square West 13.									
Pt.	Frank E. Padgett	5,160	$0.15	$774	.....	$774	5,160	$774	$1,161	All.
Pt.	.....do	11,505	.15	1,726	.....	1,726	11,505	1,726	2,589	Do.
	Total	.....	.....	.....	.....	.....	16,665	.....	3,750	
	Square West 14.									
1	Bridget O'Leary	1,342	.50	671	$200	871	1,342	871	1,306	Do.
1	John W. Pilling	592	.50	296	.....	296	592	296	444	Do.
2	John D. Graham	261	.60	157	.....	157	261	157	235	Do.
2	Edwin B. Terry	6,656	.60	3,994	8,000	11,994	6,656	11,994	17,991	Do.
3	National Capital Brewing Co. (Inc.)	511	.60	307	500	807	511	807	1,210	Do.
3	John W. Pilling	433	.50	217	200	417	433	417	625	Do.
3	Sarah Burnstein	5,786	.30	1,736	200	1,936	5,786	1,936	2,904	Do.
3	John W. Pilling	1,223	.50	612	.....	612	1,223	612	918	Do.
3	Robert Seltman	822	.60	493	400	893	822	893	1,339	Do.
3	Lettie F. McIntire	1,150	.50	575	400	975	1,150	975	1,462	Do.
3	.....do	1,329	.50	665	400	1,065	1,329	1,065	1,597	Do.
3	Thos. E. Waggaman, trustee estate of John Lenthall.	149	.50	75	.....	75	149	75	112	Do.
8	John D. Graham	1,741	.75	1,306	8,000	9,306	1,741	9,306	13,959	Do.
9	.....do	1,162	.75	872	.....	872	1,162	872	1,308	Do.
10	Lewis W. Harrington	1,642	.50	821	1,600	2,421	1,642	2,421	3,631	Do.
1	Charlotte Temple Cumberland.	1,409	.70	986	600	1,586	1,409	1,586	2,379	Do.
1	John W. Pilling	1,599	1.00	1,599	800	2,399	1,599	2,399	3,598	Do.
4	George E. Wright	1,330	.70	931	600	1,531	1,330	1,531	2,296	Do.
5	John F. Meenehan	1,460	.70	1,022	600	1,622	1,460	1,622	2,433	Do.
6	Mary P. Mynsbridge	369	.75	277	100	377	369	377	565	Do.
7	John Graham	1,080	.75	810	.....	810	1,080	810	1,215	Do.
	Total	.....	.....	.....	.....	.....	32,646	.....	61,527	
	Square West 23.									
1	Charles Mennuect	18,400	.15	2,760	.....	2,760	18,400	2,760	4,140	Do.
2	George Washington University.	17,810	.10	1,781	.....	1,781	17,810	1,781	2,671	Do.
3	Maggie Burgdorf	7,150	.05	358	.....	358	7,150	358	537	Do.
	Total	.....	.....	.....	.....	.....	43,360	.....	7,348	
	Square 23.									
5	Mary M., M. L. and F. Eaton.	10,758	.15	1,614	.....	1,614	10,758	1,614	2,421	Do.
6	Woodbury Blair and National Safe Deposit Savings Trust Co.	14,718	.10	1,472	.....	1,472	14,718	1,472	2,208	Do.
7	Mary M., M. L., and F. Eaton.	14,718	.10	1,472	.....	1,472	14,718	1,472	2,208	Do.
8	George Washington University.	30,551	.10	3,055	.....	3,055	30,551	3,055	4,582	Do.
9	Mary Ord Preston	30,551	.10	3,055	.....	3,055	30,551	3,055	4,582	Do.
10	Louise Eustis Hitchcock.	14,718	.10	1,472	.....	1,472	14,718	1,472	2,208	Do.
11	Mary M., M. L., and F. Eaton.	14,718	.10	1,472	.....	1,472	14,718	1,472	2,208	Do.
12	Daniel Loughran	10,758	.15	1,614	.....	1,614	405	60	90	Part.
20	Henry C. Coburn	24,520	.15	4,904	.....	4,904	3,600	540	810	Do.
	Total	.....	.....	.....	.....	.....	134,737	.....	21,317	

Digitized by Google

***Detailed tables showing names of owners, location, areas, assessment rates, and values of the property to be taken*—Continued.**

Lot No.	Assessed to—	Data from assessor's office.					Property taken.			Remarks.
		Square feet assessed.	At two-thirds valuation.				Approximate square feet.	At two-thirds valuation	At full legal valuation.	
			Rate.	Land.	Improvements.	Total.				
	SECTION II—L STREET TO P STREET—Con.									
	Square 35.									
4	Jos. N. Warfield, jr., and Edwin Warfield, jr., trustee.	10,976	$0.12	$1,317	.....	$1,317	10,976	$1,317	$1,976	All.
5	Corcoran Thom.....	10,976	.06	659	.....	659	10,976	659	988	Do.
6	Mary Ord Preston....	7,409	.06	445	.....	445	7,409	445	667	Do.
7	Chas. J. M. Eaton....	8,233	.12	988	.....	988	8,233	988	1,482	Do.
8	Jesse W. Rawlins....	8,233	.15	1,235	.....	1,235	8,233	1,235	1,852	Do.
9	James B. Crabbe.....	1,408	.30	422	$1,800	2,222	1,408	2,222	3,333	Do.
10	.....do.....	1,408	.30	422	2,000	2,422	1,408	2,422	3,633	Do.
26	Agness Wackermuth.	1,348	.20	270	2,000	2,270	1,348	2,070	3,105	Do.
27	Susan W. Beday.....	1,360	.20	272	1,800	2,072	1,360	2,072	3,108	Do.
28	James F. and Elizabeth A. McGee.	1,360	.20	272	1,800	2,072	1,360	2,072	3,108	Do.
29	.....do.....	1,360	.20	272	1,800	2,072	1,360	2,072	3,108	Do.
30	.....do.....	1,360	.20	272	1,800	2,072	1,360	2,072	3,108	Do.
31	.....do.....	1,360	.20	272	1,800	2,072	1,360	2,072	3,108	Do.
33	Jessie W. Rawlins....	5,170	.10	517	.....	517	5,170	517	775	Do.
34	Thos. H. Unsworth..	1,360	.20	272	1,800	2,072	1,360	2,072	3,108	Do.
	Total.....	.....	.....	.....	.....	.....	63,321	.....	36,458	
	Square 48.									
1	Washington Riding Co. (Inc.).	7,500	.80	6,000	.....	6,000	4,692	3,754	5,631	Part.
2	.....do.....	2,550	.15	383	.....	383	2,550	383	575	All.
2	Mary Ord Preston....	4,950	.15	743	.....	743	4,950	743	1,115	Do.
3	.....do.....	4,950	.15	743	.....	743	4,950	743	1,115	Do.
3	Washington Riding Co. (Inc.).	2,550	.15	383	.....	383	800	120	180	Part.
6	.....do.....	7,500	.15	5,625	.....	5,625	1,250	988	1,407	Do.
	Total.....	.....	.....	.....	.....	.....	19,192	.....	10,023	
	Square 49.									
5	Cecilia Howard.....	7,950	.25	1,988	.....	1,988	7,950	1,988	2,982	All.
6	Jules Francois Geo. de Goofroy.	9,150	.20	1,830	.....	1,830	9,150	1,830	2,745	Do.
7	Wm. H. Corcoran....	3,051	.15	458	.....	458	3,051	458	687	Do.
7	Emma and Alice V. Corcoran.	6,099	.15	915	.....	915	6,099	915	1,372	Do.
8	Rachel E. Schnieder.	10,900	.10	1,090	.....	1,090	10,900	1,090	1,635	Do.
9	Lizzie D. Green, Charles G. Pfluger, and Mathilda Tredway.	5,418	.25	1,355	2,000	3,355	5,418	3,355	5,032	Do.
10	Lizzie D. Green, Chas. G. Pfluger, and M. Tredway.	4,244	.70	2,971	3,900	6,871	1,414	989	1,483	Part.
16	Henry C. and Fred L. Walter.	10,688	.45	4,810	200	5,010	1,100	495	742	Do.
17	Chas. W. Botsch.....	3,859	.50	1,930	5,000	6,930	650	325	487	Do.
	Total.....	.....	.....	.....	.....	.....	45,732	.....	17,165	
	Square 1214.									
800	Peter J. McIntire.....	14,110	.25	3,528	800	4,328	14,110	4,328	6,492	All.
812	Edgar B. and Sarah B. Murphy.	3,409	.25	852	300	1,152	3,409	1,152	1,728	Do.
813	John Cleary.....	1,717	.12	206	.....	206	1,717	206	309	Do.
814	Ann S. and Catherine L. Gallagher.	2,050	.12	246	.....	246	2,050	246	369	Do.
	Total.....	.....	.....	.....	.....	.....	21,286	.....	8,898	

Digitized by Google

***Detailed tables showing names of owners, location, areas, assessment rates, and values of the property to be taken*—Continued.**

Lot No.	Assessed to—	Data from assessor's office.					Property taken.			Remarks.
		Square feet assessed.	At two-thirds valuation.				Approximate square feet.	At two-thirds valuation.	At full legal valuation.	
			Rate.	Land.	Improvements.	Total.				
	SECTION II—L STREET TO P STREET—Con.									
	Square 1216.									
21	Louis F. Detrick	2,995	$0.15	$449	.....	$449	2,995	$449	$673	All.
22	.....do	4,454	.15	668	.....	668	4,454	668	1,002	Do.
23	.....do	5,912	.15	887	.....	887	5,912	887	1,330	Do.
24	.....do	7,679	.15	1,152	.....	1,152	7,679	1,152	1,728	Do.
	Total	.....	.....	.....	.....	.....	21,040	.....	4,733	
	Square 1217.									
36	Z. Deminien Blakistone	463	.20	93	.....	93	463	93	139	Do.
36	Annie E. Jacobs	3,900	.20	780	$300	1,080	3,900	1,080	1,620	Do.
37	.....do	1,800	.20	360	.....	360	1,800	360	540	Do.
37	Geo. and Annie E. Jacobs	3,750	.20	750	100	850	3,750	850	1,275	Do.
37	Jacob Ramsburg	4,781	.15	717	.....	717	4,781	717	1,075	Do.
37	George W. Cabaniss	2,850	.20	570	.....	570	2,850	570	855	Do.
38	.....do	900	.20	180	.....	180	900	180	270	Do.
38	.....do	3,750	.20	750	.....	750	3,750	750	1,125	Do.
38	.....do	3,750	.25	938	.....	938	3,750	938	1,407	Do.
38	Jacob Ramsburg	5,034	.15	755	.....	755	5,034	755	1,132	Do.
47	Z. D. Blakistone	11,067	.15	1,660	.....	1,660	11,067	1,660	2,490	Do.
48	.....do	1,080	.25	270	1,000	1,270	1,080	1,270	1,905	Do.
48	.....do	1,080	.20	216	1,000	1,216	1,080	1,216	1,824	Do.
50	Stella M. Vale	1,080	.20	216	1,000	1,216	1,080	1,216	1,824	Do.
51	.....do	1,080	.20	216	1,000	1,216	1,080	1,216	1,824	Do.
52	Z. D. Blakistone	1,080	.20	216	1,000	1,216	1,080	1,216	1,824	Do.
54	.....do	1,080	.20	216	1,000	1,216	1,080	1,216	1,824	Do.
53	Elizabeth Blakistone	1,080	.20	216	1,000	1,216	1,080	1,216	1,824	Do.
36	Jacob Ramsburg	1,523	.15	228	.....	228	1,523	228	324	Do.
	Total	.....	.....	.....	.....	.....	51,128	.....	25,101	
	Square 1237.									
98	Louisa Goings	3,150	.30	945	500	1,445	3,150	1,445	2,168	Do.
99	Walter H. Henderson	1,500	.20	300	.....	300	1,500	300	450	Do.
99	Louisa Goings	1,500	.20	300	.....	300	1,500	300	450	Do.
100	Charles Lawson	1,500	.20	300	.....	300	1,500	300	450	Do.
100	James F. Bundy	1,500	.20	300	200	500	1,500	500	750	Do.
101	Joseph N. Lawson	3,000	.20	600	.....	600	3,000	600	900	Do.
102	Maria Clark	3,000	.20	600	.....	600	3,000	600	900	Do.
105	Sarah Carter	2,745	.15	412	100	512	2,745	512	768	Do.
106	Fenton Cook	3,395	.15	509	100	609	3,395	609	913	Do.
107	Henry C. Winship	3,395	.15	509	.....	509	3,395	509	763	Do.
108	Matilda Parson, Sara Johnson, and Laura M. Lockwood	1,698	.15	255	100	355	1,698	355	532	Do.
108	Ella U. Carroll	1,698	.15	255	700	955	1,698	955	1,432	Do.
109	Chas. Linkins Bros.	1,132	.15	170	.....	170	1,132	170	255	Do.
109	Albert Scott	2,263	.15	339	.....	339	2,263	339	508	Do.
110	Chas. Linkins Bros. et al	3,395	.15	509	.....	509	3,395	509	763	Do.
111	Chas. Linkins Bros.	3,395	.15	509	.....	509	3,395	509	763	Do.
112	.....do	6,259	.15	939	.....	939	6,259	939	1,408	Do.
113	Geo. W. Linkins	3,445	.15	517	.....	517	3,445	517	775	Do.
114	Walter Henderson	3,445	.15	517	.....	517	3,445	517	775	Do.
115	Chas. Linkins and others	3,445	.15	517	.....	517	3,445	517	775	Do.
116	.....do	3,445	.15	517	.....	517	3,445	517	775	Do.
117	.....do	3,445	.15	517	.....	517	3,445	517	775	Do.
118	.....do	4,638	.15	696	.....	696	4,638	696	1,044	Do.
	Total	.....	.....	.....	.....	.....	66,388	.....	19,092	

Digitized by Google

***Detailed tables showing names of owners, location, areas, assessment rates, and values of the property to be taken*—Continued.**

Lot No.	Assessed to—	Data from assessor's office.					Property taken.			Remarks.
		Square feet assessed.	At two-thirds valuation.				Approximate square feet.	At two-thirds valuation.	At full legal valuation.	
			Rate.	Land.	Improvements.	Total.				
	SECTION II—L STREET TO P STREET—Con.									
	Square 1258.									
Pt.	Harry C. Winship	7,320	$0.15	$1,098	$400	$1,498	7,320	$1,498	$2,247	All.
Pt.	.....do	4,704	.15	706	.....	706	4,704	706	1,059	Do.
Pt.	.....do	82,560	.15	12,384	3,000	15,384	82,560	15,384	23,076	Do.
Pt.	William Britt	3,600	.15	540	500	1,040	220	533	799	Part and house.
	Total	.....	.....	.....	.....	.....	94,804	.....	27,181	
	Square 1263.									
58	Edward J. White	4,920	.10	492	.....	492	315	31	47	Part.
59	.....do	3,680	.10	151	300	451	1,824	182	273	Do.
	Total	.....	.....	.....	.....	.....	2,139	.....	320	
	Square 1263.									
65	Harry U. Bell	1,150	.10	115	.....	115	1,150	115	172	All.
65	Geo. W. Ray	828	.10	83	.....	83	828	83	124	Do.
65	Elsy Curtis	126	.10	13	.....	13	126	13	19	Do.
65	Samuel I. Master	420	.10	42	.....	42	420	42	63	Do.
65	Harry U. Bell	638	.10	64	.....	64	638	64	96	Do.
65	Alice Slater Kehor	518	.15	78	.....	78	518	78	117	Do.
66	Annie Lynch and others.	3,680	.10	368	.....	368	3,680	368	552	Do.
66	Michael O. Hanlon	1,840	.10	184	.....	184	420	42	63	Part.
67	Henry M. Baker	5,520	.10	552	.....	552	5,520	552	828	All.
68	.....do	5,640	.10	564	.....	564	5,640	564	846	Do.
72	Mary A. Watkins	1,925	.20	385	700	1,085	1,925	1,085	1,627	Do.
78	Leroy and Emma Veney.	1,829	.20	366	300	666	180	36	54	Part.
79	Yeta Scott	1,797	.20	359	300	659	1,797	659	988	All.
80	Celestina Mussante	2,478	.20	496	700	1,196	2,478	1,196	1,794	Do.
	Total	.....	.....	.....	.....	.....	25,320	.....	7,338	
	Square East 1263.									
800	John Bullitt	5,101	.10	510	.....	510	5,101	510	765	Do.
4	Margaret B. Burns	2,243	.20	449	200	649	2,243	649	973	Do.
5	Hannah Beason	2,219	.20	444	1,000	1,444	2,219	1,440	2,160	Do.
6	James A. Brown	2,197	.20	439	500	939	2,197	939	1,408	Do.
7	Geo. Washington	2,174	.20	435	400	835	2,174	835	1,252	Do.
8	Josephine Caselear	2,150	.20	430	.....	430	2,150	430	645	Do.
9	Virginia Norris Bickley.	2,128	.20	426	900	1,326	2,128	1,326	1,989	Do.
10	Fannie Norris	2,013	.20	403	1,300	1,703	2,013	1,703	2,554	Do.
11, 12	Charles J. Walker	2,987	.20	597	600	1,197	2,987	1,197	1,795	Do.
13	Washington Ry. & Electric Co.	1,425	.10	143	.....	143	1,425	143	214	Do.
14	.....do	1,234	.10	123	.....	123	1,234	123	184	Do.
15	.....do	1,044	.10	104	.....	104	1,044	104	156	Do.
16	.....do	854	.10	85	.....	85	854	85	127	Do.
17	.....do	665	.10	67	.....	67	665	67	100	Do.
18	.....do	475	.10	48	.....	48	475	48	72	Do.
19	.....do	285	.10	29	.....	29	285	29	43	Do.
20	.....do	2,550	.10	255	.....	255	2,550	255	382	Do.
21	.....do	2,550	.10	255	.....	255	2,550	255	382	Do.
22	.....do	2,550	.10	255	.....	255	2,550	255	382	Do.
23	Albert Dorsey	2,550	.10	255	200	455	2,550	455	682	Do.
24	Geo. W. Ray	2,550	.10	255	200	455	2,550	455	682	Do.
25	.....do	1,190	.10	119	100	219	1,190	219	328	Do.
25	Josephine Mann	1,360	.10	136	100	236	1,360	236	354	Do.
26	Geo. W. Ray	2,550	.10	255	.....	255	2,550	255	382	Do.
27	Frank Scheer	2,550	.10	255	400	655	2,550	655	982	Do.
28	.....do	2,890	.10	289	400	689	2,890	689	1,033	Do.
29	John Gilhuly	2,890	.10	289	200	489	2,890	489	733	Do.
30	Henry M. Baker	917	.30	275	.....	275	917	275	412	Do.
31	Mary R. Horigan	4,022	.20	804	2,300	3,104	4,022	3,104	4,656	Do.

Digitized by Google

***Detailed tables showing names of owners, location, areas, assessment rates, and values of the property to be taken*—Continued.**

Lot No.	Assessed to—	Data from assessor's office.					Property taken.			Remarks.
		Square feet assessed.	At two-thirds valuation.				Approximate square feet.	At two-thirds valuation.	At full legal valuation.	
			Rate.	Land.	Improvements.	Total.				
	SECTION II—L STREET TO P STREET—Con.									
	Square East 1263—Con.									
23	Mary R. Horigan....	1,321	$0.20	$264	$700	$964	1,321	$964	$1,446	All.
23	Francis C. Horigan...	1,334	.20	267	700	967	1,334	967	1,450	Do.
24	William D. Horigan...	1,561	.20	312	700	1,012	1,561	1,012	1,518	Do.
Pt.	J. Ordman Wilson...	640	.30	192	500	692	640	692	1,038	Do.
60	David J. and Ella F. Cotton.	1,650	.20	330	500	830	1,650	830	1,245	Do.
60	Geo. D. Quackenbush.	1,510	.20	202	300	602	1,510	602	903	Do.
Pt.	Lillie M. Schofield...	236	.10	24	.....	24	236	24	36	Do.
Pt.	Mary Ord Preston...	110,235	.10	11,024	300	11,324	110,235	11,324	16,986	Do.
Pt.	Henry M. Baker.....	148,290	.20	29,658	.....	29,658	148,290	29,658	44,487	Do.
Pt.	Eliza H. Riggs.....	1,240	.30	272	1,000	1,272	1,240	1,272	1,908	Do.
	Total.....	.....	.....	.....	.....	.....	328,330	.....	96,844	
	Total for Section II.	.....	.....	.....	.....	.....	1,228,116	.....	476,348	
	SECTION III—P STREET TO MASSACHUSETTS AVENUE.									
	Square 47.									
1	Mary Ord Preston...	7,189	1.10	7,908	1,300	9,208	385	423	634	Part.
2	.....do.....	6,425	.60	3,855	.....	3,855	6,425	3,855	5,782	All.
	Total.....	.....	.....	.....	.....	.....	6,810	.....	6,416	
	Square East 1264.									
800	John C. Bullitt.....	10,144	.20	2,029	.....	2,029	10,144	2,029	3,043	Do.
803	.....do.....	6,708	.10	671	.....	671	6,708	671	1,006	Do.
804	.....do.....	11,886	.10	1,189	.....	1,189	11,886	1,189	1,783	Do.
20	Washington Ry. and Electric Co.	201,282	.10	20,128	.....	20,128	112,942	11,294	16,941	Part.
20	.....do.....	53,000	.17	9,010	1,000	10,010	50,815	8,638 1,000	14,457	Part and building.
21	Washington Ry. and Electric Co. (brick building partly on portion of 21 taken, estimated at $10,000).	103,877	.20	20,775	73,700	94,475	17,340	3,468 10,000	20,202	Do.
	Total.....	.....	.....	.....	.....	.....	209,835	.....	57,432	
	Square 1289.									
	Land between Mount Zion Cemetery and Rock Creek.	17,815	.10	1,781	.....	1,781	17,815	1,781	2,672	All.
	Square 2500.									
23	Chas. C. Glover.....	4,830	1.35	6,521	.....	6,521	2,000	2,700	4,050	Part.
24	.....do.....	4,830	.80	3,864	.....	3,864	2,500	2,000	3,000	Do.
25	.....do.....	4,830	.70	3,381	.....	3,381	2,340	1,638	2,457	Do.
26	.....do.....	4,830	.60	2,898	.....	2,898	2,161	1,297	1,945	Do.
27	.....do.....	4,830	.60	2,898	.....	2,898	1,610	966	1,449	Do.
28	.....do.....	4,830	.50	2,415	.....	2,415	1,000	500	750	Do.
29	.....do.....	4,189	.50	2,095	.....	2,095	250	125	187	Do.
44	Gertrude M. Hubbard	6,250	.20	1,250	.....	1,250	6,250	1,250	1,875	All.
45	.....do.....	6,250	.20	1,250	.....	1,250	6,250	1,250	1,875	Do.
46	.....do.....	6,250	.20	1,250	.....	1,250	6,250	1,250	1,875	Do.
47	.....do.....	6,250	.20	1,250	.....	1,250	6,250	1,250	1,875	Do.
48	.....do.....	6,250	.20	1,250	.....	1,250	6,250	1,250	1,875	Do.
49	.....do.....	6,250	.20	1,250	.....	1,250	6,250	1,250	1,875	Do.
50	.....do.....	7,433	.20	1,487	.....	1,487	7,433	1,487	2,230	Do.
	Total.....	.....	.....	.....	.....	.....	56,794	.....	27,318	

Digitized by Google

***Detailed tables showing names of owners, location, areas, assessment rates, and values of the property to be taken*—Continued.**

Lot No	Assessed to—	Data from assessor's office.					Property taken.			Remarks.
		Square feet assessed.	At two-thirds valuation.				Approximate square feet.	At two-thirds valuation.	At full legal valuation.	
			Rate.	Land.	Improvements.	Total.				
	SECTION III—P STREET TO MASSACHUSETTS AVENUE—Continued.									
	Square 2507.									
4	Alice P. Barney	4,629	$3.50	$16,202	$14,000	$30,202	100	$50	$75	Part.
5	.....do	4,235	3.50	14,823	900	15,723	404	202	303	Do.
6	Charlotte Virginia Dixon.	5,041	3.50	17,644	.....	17,644	1,124	562	843	Do.
7	Potomac Realty Co., Real Estate Trust Co.	6,372	3.50	22,302	.....	22,302	1,374	687	1,030	Do.
8	Stephen O. Mara	4,975	3.50	17,413	.....	17,413	1,224	612	918	Do.
10	Geo. C. Johnson	2,500	.50	1,250	.....	1,250	2,500	1,250	1,875	All.
11	.....do	2,500	.50	1,250	.....	1,250	2,500	1,250	1,875	Do.
12	James Donald Cameron.	2,500	.50	1,250	.....	1,250	2,500	1,250	1,875	Do.
13	Anthony J. Drexel	2,500	.50	1,250	.....	1,250	2,500	1,250	1,875	Do.
14	.....do	2,500	.50	1,250	.....	1,250	2,500	1,250	1,875	Do.
15	Wm. Hand Walker, Allen E. Walker.	2,500	.50	1,250	.....	1,250	2,500	1,250	1,875	Do.
16	Anthony J. Drexel	2,500	.50	1,250	.....	1,250	2,500	1,250	1,875	Do.
17	.....do	2,500	.50	1,250	.....	1,250	2,500	1,250	1,875	Do.
18	Thos. S. Rodgers	2,500	.50	1,250	.....	1,250	2,500	1,250	1,875	Do.
28	Lucy Gault Hangen	4,238	1.50	6,357	13,000	19,357	1,547	773	1,159	Part.
29	Elizabeth Lodge, H. C. Lodge.	3,404	1.65	5,617	14,000	19,617	821	410	615	Do.
30	.....do	2,570	1.75	4,498	.....	4,498	240	120	180	Do.
36	Saml. McMillan, jr	3,374	1.35	4,555	.....	4,555	2,150	1,075	1,612	Do.
37	.....do	3,807	1.35	5,139	.....	5,139				
38	Ernest S. Benson	4,240	1.35	5,724	.....	5,724	3,400	1,700	2,550	Do.
39	Emma J. Benson	4,265	1.35	5,758	.....	5,758				
40	Marie A. Aldrich and Lewis C. Stanley.	3,677	1.35	4,964	.....	4,964	1,200	600	900	Do.
41	Louise C. Stanley	3,083	1.35	4,162	.....	4,162	625	312	468	Do.
42	Lillian L. Martin Dunn.	2,480	1.35	3,360	.....	3,360	100	50	75	Do.
49	May Sherman McCallum.	2,726	1.65	4,498	19,000	23,498	283	141	211	Do.
50	Alva F. Smith	2,726	1.65	4,498	10,000	14,498	283	141	211	Do.
	Total	.....	.....	.....	.....	.....	37,375	.....	28,025	
	Square 2508.									
51	John C. Bullitt	82,003	.10	8,200	.....	8,200	82,003	8,200	12,300	All.
3	John W. Pilling (74A)	32,234	.25	8,058	.....	8,058	32,234	8,058	12,087	Do.
	Total	.....	.....	.....	.....	.....	114,237	.....	24,387	
	Square 2510.									
4	John C. Bullitt and others, trust.	3,259	.50	1,630	.....	1,630	3,259	1,630	2,445	Do.
5	J. Donald Cameron and others, executors and trustees.	3,259	.40	1,304	.....	1,304	3,259	1,304	1,956	Do.
6	John L. Welsh	3,259	.30	978	.....	978	3,259	978	1,467	Do.
7	Anthony J. Drexel	3,259	.30	978	.....	978	3,259	978	1,467	Do.
8	James F. Bullitt	3,259	.10	326	.....	326	3,259	326	489	Do.
9	J. Donald Cameron, trustee.	3,264	.10	326	.....	326	3,264	326	489	Do.
10	.....do	9,685	.05	484	.....	484	9,685	484	726	Do.
11	Anthony J. Drexel	11,153	.08	892	.....	892	11,153	892	1,338	Do.
33	Henry May	2,430	.75	1,823	4,500	6,323	450	337	505	Part.
34	.....do	2,430	.75	1,823	4,500	6,323	98	73	109	Do.
39	Frank W. Perkins	3,375	.75	2,531	7,000	9,531	1,249	937	1,405	Do.
43	Geo. O. Totten, jr	11,250	1.00	11,250	.....	11,250	11,250	11,250	16,875	All.

NOTE.—Back land taken from lots 4, 5, 6, 7, 8, 28, 29 30, 36, 37, 38, 39, 40, 41, 42, 49, and 50, square 2507, was figured at $0.50 per square foot.

Digitized by Google

***Detailed tables showing names of owners, location, areas, assessment rates, and values of the property to be taken*—Continued.**

Lot No.	Assessed to—	Data from assessor's office.					Property taken.			Remarks.
		Square feet assessed.	At two-thirds valuation.				Approximate square feet.	At two-thirds valuation.	At full legal valuation.	
			Rate.	Land.	Improvements.	Total.				
	SECTION III—P STREET TO MASSACHUSETTS AVENUE—Continued.									
	Square 2510—Contd.									
222	Margaret Gray Stewart.	4,708	$0.15	$706	$3,500	$4,206	2,700	$405	$607	Part.
224	Chas. C. Glover	5,000	.15	750	.....	750	5,000	750	1,125	All.
800	Anthony J. Drexel	5,695	.05	285	.....	285	5,695	285	427	Do.
	Total	.....	.....	.....	.....	.....	66,839	.....	31,430	
	Parcels.									
52 8	Johanna Hewett and Rachel M. Webb.	1.26	4,000	5,040	.....	5,040	1.26	5,040	7,560	Do.
52 17	William F. Parker, Brainard W. Dennis.	.60	43,560	26,424	.....	26,424	.167	7,280	10,920	Part.
52 18	American Security & Trust Co. and Amos H. Plumb, trustees.	3.35	8,712	29,185	.....	29,185	3.35	29,185	43,777	All.
52 20	Robt. Barnard, heirs.	1.04	1,500	1,560	.....	1,560	1.04	1,560	2,340	Do.
52 21	....do	.72	1,500	1,080	.....	1,080	.72	1,080	1,620	Do.
52 22	....do	.35	1,500	525	.....	525	.35	525	787	Do.
52 12	Johanna Hewett and Rachel M. Webb.	13.42	4,000	53,680	.....	53,680	13.42	53,680	80,520	Do.
20 5	James Elverson	37.5	5,000	187,500	30,400	217,900	1.12	5,600	8,400	Part.
	Total	.....	.....	.....	.....	.....	21.427	.....	155,924	
	Total for Section III.	.....	.....	.....	.....	.....	1,443,065	.....	333,604	
	SECTIONS IV AND V—MASSACHUSETTS AVENUE TO THE ZOOLOGICAL PARK.									
	Square 2186.									
1	American Security & Trust Co. and Amos H. Plumb, trustees.	22,852	.25	5,713	.....	5,713	22,852	5,713	8,569	All.
2	....do	15,239	.25	3,810	.....	3,810	15,239	3,810	5,715	Do.
3	....do	12,406	.25	3,102	.....	3,102	12,406	3,102	4,653	Do.
4	....do	19,119	.25	4,780	.....	4,780	19,119	4,780	7,170	Do.
5	....do	22,222	.25	5,550	.....	5,550	22,222	5,550	8,325	Do.
6	....do	20,277	.25	5,069	.....	5,069	20,277	5,069	7,603	Do.
7	....do	23,953	.25	5,988	.....	5,988	23,953	5,988	8,982	Do.
	Total	.....	.....	.....	.....	.....	136,068	.....	51,017	
	Square 2187.									
2	American Security & Trust Co.	25,572	.50	12,786	.....	12,786	25,572	12,786	19,179	Do.
3	....do	14,594	.50	7,297	.....	7,297	14,594	7,297	10,945	Do.
4	....do	22,763	.50	11,382	.....	11,382	22,763	11,382	17,073	Do.
800	Wade H. Ellis and R. Golden Donaldson.	20,368	1.00	20,368	.....	20,368	20,368	20,368	30,552	Do.
801	American Security & Trust Co.	21,722	.60	13,033	.....	13,033	21,722	13,033	19,549	Do.
	Total	.....	.....	.....	.....	.....	105,019	.....	97,298	

Digitized by Google

***Detailed tables showing names of owners, location, areas, assessme nt rates, and values of the property to be taken*—Continued.**

Lot No.	Assessed to—	Data from assessor's office.					Property taken.			Remarks.
		Square feet assessed.	At two-thirds valuation.				Approximate square feet.	At two-thirds valuation.	At full legal valuation.	
			Rate.	Land.	Improvements.	Total.				
	SECTIONS IV AND V—MASSACHUSETTS AVENUE TO THE ZOOLOGICAL PARK—Continued.									
	Square 2135.									
5	H. Rozier Dulany et al., receiver.	14,490	$0.20	$2,898	.....	$2,898	1,105	$221	$331	Part.
6	.....do.....	17,830	.20	3,566	.....	3,566	14,680	2,936	4,404	Do.
7	.....do.....	19,855	.20	3,971	.....	3,971	19,855	3,971	5,956	All.
8	.....do.....	22,596	.20	4,519	.....	4,519	22,596	4,519	6,778	Do.
9	.....do.....	22,781	.20	4,556	.....	4,556	22,781	4,556	6,834	Do.
	Total.....	.....	.....	.....	.....	.....	81,017	.....	24,303	
	Square 2136.									
21	H. Rozier Dulany et al., receiver.	47,277	.20	9,455	.....	9,455	40,182	8,036	10,054	Part.
22	.....do.....	36,104	.20	7,221	.....	7,221	36,104	7,221	10,831	All.
20	.....do.....	28,172	.20	5,634	.....	5,634	27,172	5,434	8,151	Part.
19	.....do.....	36,965	.20	7,393	.....	7,393	1,200	240	360	Do.
	Total.....	.....	.....	.....	.....	.....	104,658	.....	29,396	
	Square 2193.									
1	T. E. and John Ridout Waggaman, trustees.	77,133	.15	11,570	.....	11,570	77,133	11,570	17,355	All.
2	H. Rozier Dulany et al., receiver.	110,581	.15	16,587	.....	16,587	110,581	16,587	24,880	Do.
3	.....do.....	95,877	.15	14,382	.....	14,382	95,877	14,382	21,573	Do.
4	.....do.....	54,518	.15	8,178	.....	8,178	54,518	8,178	12,267	Do.
5	.....do.....	38,712	.15	5,807	.....	5,807	38,712	5,807	8,710	Do.
	Total.....	.....	.....	.....	.....	.....	376,821	.....	84,785	
	Square 2201.									
804	H. Rozier Dulany et al., receiver.	16,560	.40	6,624	.....	6,624	12,660	5,064	7,596	Part.
805	.....do.....	12,420	.30	3,726	.....	3,726	12,420	3,726	5,589	All.
806	.....do.....	8,400	.30	2,520	.....	2,520	8,400	2,520	3,780	Do.
807	.....do.....	2,600	.30	780	.....	780	2,600	780	1,170	Do.
809	.....do.....	20,263	.50	10,132	.....	10,132	3,650	1,825	2,737	Part.
	Total.....	.....	.....	.....	.....	.....	39,730	.....	20,872	
	Square 2501.									
1	Gertrude M. Hubbard	5,635	.50	2,818	.....	2,818	5,635	2,818	4,227	All.
2	.....do.....	4,850	.50	2,425	.....	2,425	4,850	2,425	3,637	Do.
3	Mary E. Patten and others.	5,000	.50	2,500	.....	2,500	5,000	2,500	3,750	Do.
4	.....do.....	5,000	.50	2,500	.....	2,500	2,500	1,250	1,875	Part.
5	.....do.....	5,000	.50	2,500	.....	2,500	750	375	562	Do.
21	Gertrude M. Hubbard	5,000	.30	1,500	.....	1,500	625	187	280	Do.
22	.....do.....	5,000	.30	1,500	.....	1,500	2,250	675	1,012	Do.
23	.....do.....	5,000	.30	1,500	.....	1,500	5,000	1,500	2,250	All.
24	Mary E. Patten and others.	5,000	.30	1,265	.....	1,265	5,000	1,265	1,897	Do.
25	.....do.....	3,768	.40	1,507	.....	1,507	3,768	1,507	2,260	Do.
	Total.....	.....	.....	.....	.....	.....	35,378	.....	21,750	
	Square 2524.									
21	Anna E. Lovett.....	5,524	.40	2,210	.....	2,210	5,524	2,210	3,315	Do.
22	Anthony J. Drexel...	6,387	.30	1,916	.....	1,916	6,387	1,916	2,874	Do.
23	Carrie S. Plumb.....	11,881	.30	3,564	.....	3,564	11,881	3,564	5,346	Do.
24	Anthony J. Drexel...	12,303	.30	3,691	.....	3,691	12,303	3,691	5,536	Do.

Digitized by Google

***Detailed tables showing names of owners, location, areas, assessment rates, and values of the property to be taken*—Continued.**

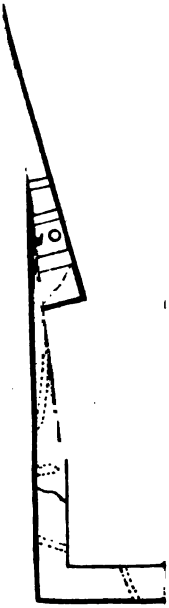
Lot No.	Assessed to—	Data from assessor's office.					Property taken.			Remarks.
		Square feet assessed.	At two-thirds valuation.				Approximate square feet.	At two-thirds valuation.	At full legal valuation.	
			Rate.	Land.	Improvements.	Total.				
	SECTIONS IV AND V—MASSACHUSETTS AVENUE TO THE ZOOLOGICAL PARK—Continued.									
	Square 2524—Contd.									
25	Anthony J. Drexel...	12,698	$0.30	$3,809	.....	$3,809	12,698	$3,809	$5,713	All.
26	.....do.....	12,011	.30	3,603	.....	3,603	12,011	3,603	5,404	Do.
27	Carrie S. Plumb.....	11,218	.30	3,365	.....	3,365	11,218	3,365	5,047	Do.
28	.....do.....	13,200	.30	3,960	.....	3,960	13,200	3,960	5,940	Do.
29	.....do.....	12,388	.30	3,716	.....	3,716	12,388	3,716	5,574	Do.
30	Anthony J. Drexel...	12,454	.30	3,736	.....	3,736	12,454	3,736	5,604	Do.
31	.....do.....	19,514	.40	7,806	.....	7,806	19,514	7,806	11,709	Do.
800	Gertrude M. Hubbard	7,975	.33	2,632	.....	2,632	7,975	2,632	3,948	Do.
801	.....do.....	6,803	.33	2,245	.....	2,245	6,803	2,245	3,367	Do.
802	.....do.....	2,438	.33	805	.....	805	2,438	805	1,207	Do.
	Total.....	.....	.....	.....	.....	.....	146,794	.....	70,584	
	Square 2525.									
15	D. C. Construction Co. (Inc.).	7,500	.30	2,250	.....	2,250	7,500	2,250	3,375	Do.
16	.....do.....	7,500	.30	2,250	.....	2,250	7,500	2,250	3,375	Do.
17	.....do.....	7,500	.30	2,250	.....	2,250	7,500	2,250	3,375	Do.
18	.....do.....	7,498	.30	2,249	.....	2,249	7,498	2,249	3,373	Do.
19	James D. Cameron, trustee.	6,701	.30	2,010	.....	2,010	6,701	2,010	3,015	Do.
20	Anna E. Lovett.....	5,728	.30	1,718	.....	1,718	5,728	1,718	2,577	Do.
32	Thomas S. Rodgers..	19,401	.30	5,820	.....	5,820	19,401	5,820	8,730	Do.
33	Anthony J. Drexel...	14,060	.30	4,218	.....	4,218	14,060	4,218	6,327	Do.
34	Patrick H. and Thomas J. Forschurr.	7,515	.30	2,255	.....	2,255	7,515	2,255	3,382	Do.
35	Anthony J. Drexel...	7,500	.30	2,250	.....	2,250	7,500	2,250	3,375	Do.
36	.....do.....	7,500	.30	2,250	.....	2,250	7,500	2,250	3,375	Do.
803	James D. Cameron, trustee.	6,270	.30	1,881	.....	1,881	6,270	1,881	2,821	Do.
804	.....do.....	1,922	.30	577	.....	577	1,922	577	865	Do.
806	D. C. Construction Co. (Inc.).	6,875	.30	2,063	.....	2,063	6,875	2,063	3,094	Do.
807	William B. and Henry W. Kurtz.	5,625	.30	1,688	.....	1,688	5,625	1,688	2,532	Do.
	Total.....	.....	.....	.....	.....	.....	119,095	.....	53,591	
	Square 2202.									
1	H. Rozier Dulany et al., receivers.	7,320	.35	2,562	.....	2,562	7,320	2,562	3,843	Do.
7	.....do.....	4,470	.35	1,341	.....	1,341	4,470	1,341	2,011	Do.
8	.....do.....	5,031	.35	1,509	.....	1,509	5,031	1,509	2,263	Do.
9	.....do.....	5,395	.35	1,619	.....	1,619	5,395	1,619	2,428	Do.
10	.....do.....	6,546	.35	1,964	.....	1,964	6,546	1,964	2,946	Do.
104	.....do.....	13,116	.40	5,246	.....	5,246	13,116	5,246	7,869	Do.
109	Agnes W. Willett....	3,782	1.25	4,728	.....	4,728	3,782	4,728	7,092	Do.
110	.....do.....	13,157	.40	5,263	.....	5,263	13,157	5,263	7,894	Do.
	Total.....	.....	.....	.....	.....	.....	58,817	.....	36,346	
	Square 2542.									
42	John R. Drexel and others.	15,905	.30	4,772	.....	4,772	15,905	4,772	7,158	Do.
303	Anthony J. Drexel...	1,326	.30	398	.....	398	1,326	398	597	Do.
304	James Donald Cameron.	9,511	.30	2,853	.....	2,853	9,511	2,853	4,279	Do.
306	John R. Drexel and others.	9,054	.30	2,716	.....	2,716	9,054	2,716	4,074	Do.
307	.....do.....	13,238	.30	3,971	.....	3,971	13,238	3,971	5,956	Do.
308	Stephen Caldwell....	5,877	.30	1,763	.....	1,763	5,877	1,763	2,644	Do.
	Total.....	.....	.....	.....	.....	.....	54,911	.....	24,708	

Digitized by Google

***Detailed tables showing names of owners, location, areas, assessment rates, and values of the property to be taken*—Continued.**

Lot No.	Assessed to—	Data from assessor's office.					Property taken.			Remarks.
		Square feet assessed.	At two-thirds valuation.				Approximate square feet.	At two-thirds valuation.	At full legal valuation.	
			Rate.	Land.	Improvements.	Total.				
	SECTIONS IV AND V—MASSACHUSETTS AVENUE TO THE ZOOLOGICAL PARK—Continued.									
	Square 2543.									
21	Edward T. Stotesbury	2,308	$0.15	$346	.....	$346	67	$10	$15	Part.
814	.....do.....	2,294	.15	344	.....	344	140	21	31	Do.
815	.....do.....	2,234	.15	355	.....	355	360	54	81	Do.
816	.....do.....	2,126	.15	317	.....	317	660	90	135	Do.
817	.....do.....	1,935	.15	290	.....	290	1,000	150	225	Do.
807	.....do.....	1,669	.15	250	.....	250	1,266	190	285	Do.
809	.....do.....	1,291	.15	194	.....	194	1,291	194	291	All.
811	.....do.....	704	.15	106	.....	106	704	106	159	Do.
818	.....do.....	2,293	.15	344	.....	344	2,293	344	516	Do.
43	.....do.....	2,300	.15	345	.....	345	2,300	345	517	Do.
44	.....do.....	2,300	.15	345	.....	345	1,150	172	258	Part.
813	.....do.....	27	.15	4	.....	4	27	4	6	All.
	Total.....	.....	.....	.....	.....	.....	11,198	.....	2,519	
	Square 2544.									
805	Edward Stotesbury..	3,701	.15	555	.....	555	3,701	555	832	All.
807	H. Rozier Dulany, trustee.	7,299	.15	1,095	.....	1,095	7,299	1,095	1,642	Do.
809	.....do.....	1,100	.15	165	.....	165	1,100	165	247	Do.
811	.....do.....	1,100	.15	165	.....	165	1,100	165	247	Do.
813	.....do.....	1,100	.15	165	.....	165	1,100	165	247	Do.
815	.....do.....	1,100	.15	165	.....	165	1,100	165	247	Do.
817	.....do.....	1,100	.15	165	.....	165	1,100	165	247	Do.
819	.....do.....	800	.15	120	.....	120	800	120	180	Do.
821	.....do.....	730	.15	110	.....	110	730	110	165	Do.
822	Union Trust Co., trustee.	1,955	.75	1,466	.....	1,466	1,955	1,466	2,199	Do.
823	.....do.....	2,658	.75	1,994	.....	1,994	2,758	1,994	2,991	Do.
824	.....do.....	3,132	.75	2,349	.....	2,349	3,132	2,349	3,523	Do.
33	.....do.....	2,776	.75	2,082	.....	2,082	1,320	990	1,485	Part.
34	.....do.....	1,943	.75	1,457	.....	1,457	425	319	478	Do.
35	.....do.....	1,932	.75	1,449	.....	1,449	8	6	9	Do.
	Total.....	.....	.....	.....	.....	.....	27,528	.....	14,739	
	Square 2547.									
805	Union Trust Co., trustee.	2,400	.10	240	.....	240	2,400	240	360	All.
	Parcels.									
46 3	Colored Union Benevolent Association.	.636	4,356	157	.....	157	.636	157	236	Do.
53 6	H. Rozier Dulany et al (45A).	.456	6,534	2,980	.....	2,980	.456	2,980	4,470	Do.
52 19	Johanna Hewett and Rachel M. Webb.	1.35	4,000	5,400	.....	5,400	1.35	5,400	8,100	Do.
	Total.....	.....	.....	.....	.....	.....	1.842	.....	12,906	
	Total for Sections IV and V.	.....	.....	.....	.....	.....	1,319,672	.....	545,074	
	Total for the entire project.	.....	.....	.....	.....	.....	4,113,818	.....	1,422,665	

Digitized by Google



Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

55.

Digitized by Google

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 1153.

CASE OF SAMUEL SCHWARZ.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

A SUMMARY OF THE CORRESPONDENCE ON FILE IN THE DEPARTMENT OF STATE RELATING TO THE CASE OF SAMUEL SCHWARZ.

MAY 22, 1916.—Message and accompanying papers referred to the Committee on Foreign Affairs and ordered to be printed.

To the House of Representatives:

In response to the resolution of the House of Representatives dated May 13, 1916, and reading as follows:

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interests, to furnish the House of Representatives with a statement of what he has done under the provisions of section two thousand and one of the Revised Statutes to secure the release of Samuel Schwarz, an American citizen, alleged to be unjustly deprived of his liberty by or under the authority of the Government of Great Britain—

I transmit herewith a report from the Acting Secretary of State furnishing a summary of the correspondence on file in the Department of State relating to the case of Samuel Schwarz.

WOODROW WILSON.

THE WHITE HOUSE,
Washington, May 22, 1916.

DEPARTMENT OF STATE,
Washington, May 18, 1916.

The PRESIDENT:

The undersigned, the Acting Secretary of State, to whom was submitted by the President the resolution of the House of Representatives, dated May 13, 1916, reading as follows:

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interests, to furnish the House of Representatives with a statement of what he has done under the provisions

Digitized by Google

of section two thousand and one of the Revised Statutes to secure the release of Samuel Schwarz, an American citizen alleged to be unjustly deprived of his liberty by or under the authority of the Government of Great Britain.

has the honor to report the following summary of the correspondence on file in the Department of State relating to the case of Samuel Schwarz:

In the early part of the year 1915 the department had considerable correspondence with a woman in New York who called herself Rosa Schwarz and posed as the wife of Samuel Schwarz. It appears from subsequent correspondence that this woman is Rosa Goldman and that she is probably not the lawful wife of Samuel Schwarz. This woman applied to the department to obtain the release of her alleged husband, and in an instruction, No. 937, of April 29, 1915, the department directed the embassy in London to investigate the arrest of Samuel Schwarz.

The embassy at London replied in dispatch No. 1507, of May 28, 1915, inclosing a copy of a note from the British foreign office saying that Samuel Schwarz could not be found and asking for his address. It developed later that the reason he could not be found was that when he was arrested he passed under the name of "Simon Stern."

In a telegram, No. 1699, of June 14, 1915, from the department to the embassy at London, the department made the following statement:

Samuel Schwarz, naturalized, New York City November 25, 1901. Known in London as Simon Stern and arrested in that name. Wife in this country destitute. States husband born in Hungary and took up residence in London three years ago. Investigate. Report. Urgent.

In a telegram of June 26, 1915, the embassy at London reported that Schwarz, alias Stern, had been sentenced in October, 1914, to six months' imprisonment for failure to register as an alien enemy, being unable to prove his American citizenship; that the police stated he was an audacious swindler who was wanted in Austria-Hungary for obtaining large sums of money by fraud; and that his marriage in America was probably bigamous, since he admitted that his real wife was in Austria-Hungary. The ambassador added that Schwarz, or Stern, was being detained pending execution of a deportation order, and asked whether he should press for Schwarz's deportation to the United States as an American citizen.

In a telegram, No. 1787, of June 29, 1915, the department asked the embassy when the British Government proposed to deport Schwarz.

In a telegram, No. 2377, of June 30, 1915, the ambassador at London referred to his previous telegram and said that he could not ascertain when or whether Schwarz would be deported until the question as to where he was to be sent was settled.

In a telegram of July 8, 1915, the department informed the embassy that, as Schwarz appeared to be an American citizen, the American Government could not object to his deportation to this country.

In a dispatch, No. 600, of July 14, 1915, the consul general at London informed the department that Schwarz was defendant in proceedings under the name of Simon Stern; that Schwarz claimed a woman in London named Blum as his wife; that his solicitor said that the American naturalization certificate of Schwarz was in the possession of his wife Bertha in Budapest, Hungary; that an

Digitized by Google

officer of the late Austro-Hungarian consulate general stated that Schwarz was a fugitive from justice in Hungary, and that there were other charges against Schwarz besides those relating to the war.

In a dispatch, No. 1618, of July 23, 1915, the consul general at London expressed his opinion that Schwarz had forfeited his claim to American citizenship. The consul general inclosed a copy of the International Criminal Police Gazette, the original of which contained pictures of Schwarz and Rosa Goldman. In the Gazette it is stated that Schwarz was born in Budapest July 5, 1851, which tallies precisely with his recent passport application. In view of this statement and the photograph there can be no question whatsoever as to the identity of this man. The consul general also inclosed a copy of a paper from the files of the former Austro-Hungarian consulate general in London concerning a request of October 21, 1911, for the arrest of Samuel Schwarz and a woman, Rosa Goldman, alias Goenerz, posing as his wife. It appeared from this paper that Schwarz had recently escaped from jail in Graz, Hungary, where he had been imprisoned for obtaining by fraud money amounting to 170,000 kronen, and that Schwarz had been aided in his escape by Rosa Goldman. Scotland Yard had reported, November 21, 1911, that Schwarz could not be found.

In a dispatch, No. 844, of November 16, 1915, the consul general at London reported that the central office of criminal records at Budapest had a record of other crimes committed by Samuel Louis Schwarz, who was born in Budapest about 64 years ago, and was evidently the person imprisoned in London.

In an undated letter received by the department November 26, 1915, Representative Bennet again brought the case of Schwarz to the department's attention.

In a letter of December 1, 1915, to Representative Bennet, marked "Confidential," the department stated that it had had considerable correspondence concerning this case with persons in the United States as well as with the American ambassador and consul general in London. The department added:

> For your confidential information, I may say that the reports received by the department indicate that Schwarz, or Stern, is a notorious forger, and that doubt is expressed whether he married the woman in this country who poses as his wife, since it has been ascertained that he has a wife living at Budapest, Hungary. You will realize that this is not a case which warrants the intervention of this Government.

In a telegram, No. 2749, of January 19, 1916, to the embassy in London the department said: "What is status of Samuel Schwartz case? Facilitate departure for this country." In a telegram, No. 3646, of January 25, 1916, the embassy at London referred to the consul general's dispatch, No. 844, of November 16, 1915, and said that there appeared to be no doubt that the Schwarz in London was identical with the Schwartz wanted in Hungary. The ambassador added: "He is therefore an undesirable alien. Authorities here willing to keep him indefinitely." In a telegram, No. 2812, of February 1, 1916, to the embassy in London the department said: "Have Consul General interview Schwarz and get passport application and statement concerning residence. He was naturalized in 1901."

Digitized by Google

In a letter of January 29, 1916, to Representative Bennet the department informed him of the recent telegraphic correspondence with the embassy at London and mentioned the embassy's belief that the naturalization of Schwarz had been fraudulently obtained and that he might be denied admission to the United States as an undesirable alien. The department also informed Representative Bennet that the ambassador had been instructed to obtain a statement from Schwarz concerning his emigration to this country, residence, and naturalization, and added that upon receiving this statement the department might be able to determine whether or not the naturalization was valid.

With a letter of February 17, 1916, to the Attorney General the department inclosed dispatches Nos. 600 and 844 of July 14 and 16, 1915, from the consul general at London, and the department asked the Attorney General whether, upon the ground of Schwarz's conviction of crime before his naturalization, proceedings might be instituted to cancel his naturalization as having been illegally procured.

In a letter of February 17, 1916, to Representative Bennet, the department informed him of its reference of the Schwarz case to the Department of Justice.

With a dispatch, No. 3174, of March 3, 1916, the ambassador at London inclosed a copy of a letter of March 3 from the consul general, in which the consul general reviewed the criminal record of Schwarz and expressed his opinion that as Schwarz had returned to his native land for permanent residence within five years after his naturalization on November 25, 1901, as shown by the issuance of a passport to him by the department, July 19, 1902, his naturalization was presumably fraudulent. (In making this statement the consul general had in view the provision of the second paragraph of section 15 of the naturalization act of June 29, 1906, to the effect that the establishment of a permanent residence on the part of a naturalized citizen of the United States in his native land or any other foreign country within five years after his naturalization raises the presumption that such naturalization was fraudulently procured without a true intention of residing in the United States and performing the duties of citizenship.) The ambassador also inclosed a statement made by Schwarz before a member of the consulate general concerning his naturalization and residence. This statement is meager and evasive and proves little except that Schwarz is the man who escaped from jail in Graz in 1911, and that the woman in New York who has written to the department as Rosa Schwarz is the woman, Rosa Goldman, who aided in his escape from jail. The consul general also inclosed a copy of an article from the Grazer Tagblatt of October 9, 1911, giving an account of the extraordinary criminal record of Schwarz, who was known as the Duke of Suben.

With a letter of March 21, 1916, to the Attorney General, the department inclosed copies of the dispatch last mentioned and its accompaniments.

In a letter of March 24, 1916, to the department, the Attorney General stated that proceedings to cancel the naturalization of Schwarz for fraud because of previous convictions of crime could

Digitized by Google

not be instituted unless it could be shown affirmatively that Schwarz had been asked in court at the time of his naturalization whether he had been convicted of crime and had answered in the negative. However, the Attorney General called attention to the fact that there is a question whether Schwarz can overcome the presumption of expatriation which has arisen against him under section 2 of the expatriation act of March 2, 1907. It is inferred that the Attorney General had in mind Schwarz's residence of over two years in Hungary, his native land, after his naturalization as a citizen of the United States. The Attorney General said that the question whether Schwarz has expatriated himself "is one to be determined upon the evidence the same as any other question of fact. Likewise with respect to whether the statements contained in his affidavit are sufficient to overcome the presumption of expatriation which arises in virtue of said statute." The Attorney General then calls attention to the case of Charles Green's Son et al *v.* Sallas (31 Fed. Rep., 106, 112), and authorities therein cited, particularly 14 Opinions A. G. 295.

In a letter of March 31, 1916, the department asked the Attorney General to return the papers inclosed with its letter of March 21, 1916.

With a letter of April 4, 1916, the Attorney General returned the papers mentioned above.

Briefly stated, the facts relating to the citizenship of Samuel Schwarz are as follows:

On July 19, 1902, he obtained from the department a passport, No. 60551, upon an application in which he stated was born in Budapest, Hungary, July 5, 1851; emigrated to this country February 11, 1894; obtained naturalization as a citizen of the United States in the District Court of the United States in New York City November 25, 1901, and resided in New York City, where he followed the occupation of broker.

In the year 1911 Schwarz was imprisoned at Graz, Hungary, for obtaining money through fraud, and escaped from prison in October of the same year. The department is not definitely informed as to the various movements of Schwarz between the time when he left the United States in 1902 and the time when he was imprisoned in Hungary in 1911, but, from the information which the department has received, the inference is that he had been established in Hungary during the greater part of that period. When he had resided in Hungary two years after the passage of the expatriation act of March 2, 1907, the presumption arose, under section 2 of that act, that he had ceased to be an American citizen. The question remains whether he is now in a position to overcome that presumption. Under the established rules the presumption may be overcome by showing that the person concerned has been residing abroad for health or education, or principally for the promotion of American trade and commerce, or because he has been prevented by some unforeseen and controlling exigency beyond his power to foresee, to carry out his intention of returning to the United States to reside. Schwarz was given an opportunity to explain his foreign residence in the statement which he made before an officer of the consulate general in Berlin, but, on account of his notorious criminal record,

Digitized by Google

he was very reticent and his statement is very meager. A copy of it accompanies dispatch No. 3174 of March 3, 1916, from the ambassador in London.

It is quite evident, however, that when Schwarz was imprisoned in Graz he had not been residing in Budapest for any reason whereunder the statutory presumption of expatriation may be overcome. On the other hand, it is evident that he had been residing in Hungary for the purpose of carrying on his swindling operations. The fact that he left Hungary in 1911 does not overcome the presumption of expatriation which arose against him because of his previous residence there. He left in order to escape justice. Where he has since sojourned is not apparent and is quite immaterial. Probably he has visited the United States just as he has visited England and other foreign countries, but that makes no difference. He has not overcome the presumption of expatriation which arose against him years ago under the provision of the second section of the act of March 2, 1907, and he is not entitled to the protection of this Government.

The undersigned has the honor to inclose copies of dispatches No. 3174 of March 3, 1916, and No. 3508 of April 18, 1916, from the American embassy at London, and copies of their inclosures, which report the main facts of the case.

Respectfully submitted.

FRANK L. POLK,
Acting Secretary of State.

No. 3174.] EMBASSY OF THE UNITED STATES OF AMERICA,
London, March 3, 1916.

The honorable the SECRETARY OF STATE,
Washington.

SIR: With reference to your telegram No. 2812, of February 1, 1916, requesting me to have the consul general interview Samuel Schwarz and to take his passport application and an affidavit concerning his foreign residence, I have the honor to transmit herewith inclosed a copy of a letter dated March 2 received from the consul general in answer to my letter to him requesting him to comply with your request. Samuel Schwarz's passport application and affidavit, together with a copy of the report of the interview and an extract from the Grazer Tagblatt, are also inclosed herewith.

It will be noted from the consul general's statements that he is decidedly of the opinion that Schwarz's naturalization was fraudulently obtained. I may add that this case has been under investigation between the embassy and the consulate for some months past, and that all the information that we have been able to obtain concerning Mr. Schwarz points to the fact that he is indeed the person who was serving a term in prison in Budapest in 1911. One of the secretaries of this embassy has personally visited Mr. Schwarz and carefully investigated his case and has come to the same conclusion as the consul general.

I therefore thoroughly indorse Mr. Skinner's attitude toward the man Schwarz and feel that no steps should be taken in regard to his release.

Digitized by Google

I also heartily indorse the consul general's statement to the effect that the woman, variously known as Rosa Goldman, Blum, and Boon, and at present supposedly residing in New York City, should be deported as an undesirable alien.

I have the honor to be, sir,

Your obedient servant,

(Signed) WALTER HINES PAGE.

MARCH 2, 1916.

Hon. WALTER HINES PAGE,
American Ambassador,
4 Grosvenor Gardens, S. W.

Citizenship of Samuel Schwarz.

SIR: Referring to your letter of February 2 in regard to the case of Samuel Schwarz, alias Simon Stern, and transmitting also a cabled instruction from the Department of State directing that Schwarz be interviewed and a passport application secured from him, I have the honor to report as follows:

The man, Schwarz, was represented on September 25, 1914, by Mr. T. D. Dutton, solicitor, now dead, and was then known as Simon Stern. To his solicitor he claimed that he was an American citizen and made the same claim in respect of his alleged mistress, a certain Rosa Goldman, sometimes known as Rosa Blum. He had been apprehended as a fugitive from justice in Hungary, and but for the outbreak of war would have been extradited without much doubt. Under the circumstances, he is held for some violation of war legislation. He now hopes that by proving his American citizenship he may be released from confinement, there being no very serious local charges against him, in which event he intends to proceed to the United States.

Very soon after the arrest of this man it transpired that his name was Samuel Schwarz, and that a person of that name had been naturalized on November 25, 1901. This fact was cabled to me by the Secretary of State on October 20, 1914. Therefore, unless Samuel Schwarz obtained citizenship by fraud or expatriated himself after November 25, 1901, his citizenship is valid, and he may be entitled to inflict his presence upon the people of the United States.

In his affidavit to overcome the presumption of expatriation, inclosed herewith, Schwarz alleges that he departed from the United States in 1911, since which year he has lived mostly in London. In an earlier affidavit, dated August 7, 1915, when his claims to citizenship were examined, he swore to Vice Consul Wilson, "I have not been in Hungary since 1902." The truth is, however, as shown in evidence before me, that after a career as a notorious swindler in many places Schwarz returned to Budapest three or four years ago. The American consul general at Budapest, in a letter dated October 28, 1915, reports having interviewed a certain Adolf Krishaber, who informed him that "Schwarz was in Budapest three or four years ago." The Austro-Hungarian consul general at Zurich reported on October 23, 1915, that Schwarz had been in custody at Graz on a charge of fraud and embezzlement from September 15 to October

Digitized by Google

21, 1911, on which day he escaped. Finally, I have an official letter dated August 25, 1915, from the home office stating that Samuel Schwarz, alias Samuel Stern, is identical with the Samuel Ludwig Schwarz who escaped from prison in Graz in 1911, as just explained. It follows that there can be no reasonable doubt as to the identity of this man, and that after obtaining naturalization on November 25, 1901, he proceeded to his native land, as indicated by the possession of a passport issued by the Department of State July 19, 1902, No. 60551, and there resumed permanent residence, in so far as it lay within the power of a man of his character to resume permanent residence anywhere, and he would be in that country at the present time but for the fact that he escaped from prison on October 21, 1911. The history of his chequered career shows that his presence in the United States toward 1910 was casual and accidental, and that the theater of his usual operations was Europe, where, indeed, he had served a long term of imprisonment. To my request for the history of his life year by year from 1901 to date he replied on October 8, 1915, in vague and unconvincing terms, but at all events used these words: "Up to 1911 from 1901 I have been about three times over here"; and he reveals his doubtful character by subscribing his letter "Samuel Schwarz, alias Simon Stern."

The circumstances related combine to prove that his naturalization was fraudulent within the meaning of the act of June 29, 1906, section 15, in that he left the United States within five years of his naturalization, and that regardless of his fraudulent naturalization he has by now expatriated himself by remaining outside of the United States more than five years since his last appearance in the United States in 1910 or 1911.

I am of the opinion that neither the declarations of Schwarz nor those of the woman known as Rosa Goldman, who claims to be his wife, can be relied upon. I am informed from various sources that the legal wife of this man Schwarz is living in Hungary in a state of destitution, after having been deserted by him. The woman, who is now in the United States and whose address is presumed to be 524 West One hundred and sixty-ninth Street, New York, known variously as Rosa Goldman, Blum, and Boon, is wanted by the Imperial Royal District Court, Division VII, "for bribery of a public official and attempts to induce [him] to commit a felony." I have also in my files a long account of Schwarz's swindling activities to be found in the Grazer Tagblatt of October 9, 1911, a translation of which is inclosed herewith.

There can be no manner of doubt whatever that Schwarz should be prevented from entering the United States by all lawful means and that the woman, Rosa Goldman, now claiming to be his wife should be deported as an undesirable alien.

I am inclosing herewith, as directed, an application for a passport, an affidavit to overcome presumption of expatriation, and the report of an interview by questions and answers. These questions and answers are not of themselves of great importance, except that they contain a number of admissions which effectually prove that Schwarz is identical with the individual who served time in Austria-Hungary. These admissions include a confession of interest in aviation matters, acknowledgment that he knew Rosa Goldman many years before he

Digitized by Google

became naturalized, and an acknowledgment that he carried on a business in the Franciscan Bazaar at Budapest.

I have the honor to be, sir,

Your obedient servant, ROBERT P. SKINNER,
American Consul General.

Inclosures:

Passport application.
Affidavit.
Report of interview.
Extract from Grazer Tagblatt.

[Copy.]

1. What is your name?

Samuel Schwarz.

2. Were you not at the time interested in aviation performances in the United States Army?

Wanted to build a balloon. Dr. Fabrica and I built a half balloon in Frankfort on Main, 1906, 7, or 8. Built balloon at the exposition at Frankfort merely for commercial purposes. It was no good, consequently a commercial failure. Have never had any interest in aviation. Built aeroplane in Frankfort for purpose of selling it, but it failed and we lost money on it.

3. Explain the "installment-letter" business which you carried on in New York.

Never been in such a business. Interested in banking and promoting, but never circulated any letters about such. Mr. Ahn, first engineer, American Car & Foundry, Broad Street, New York, will explain all about this business. (It is a hundred and fifty million dollar company.)

4. Why do your various friends call you the "Herzog von Suden"?

No one has ever called me such a name.

5. Is Rosa Blum your lawful wife?

Boon, Rosa Goldman (never called Blum). She married me in 1900 or 1901. Knew her 10 or 12 years before marriage. Do not know who her husband was before I married her.

6. Where does your lawful wife now reside?

Her address is 524 West One hundred and sixty-ninth Street, New York. I heard from her a week ago.

7. How did you know Baron Saucken of the German Embassy in Paris?

He was introduced to me. Dead five years. (Met him in his hotel.) Wanted to sell me new electric heating stove. Patent, Mr. Naudin, engineer, Paris. He built wireless station at Eiffel Tower. I bought the stove and sold it. I made a little money, but he owes me four or five thousand francs. Notes in court in Paris now. Thought I would get something out of his estate, but haven't as yet. It has been going on three or four years.

6. Where were you, year by year, between 1870 and 1880?

I can't remember that. (I gave it to the consul general in London once, full statement—went through governor at Brixton Prison.)

7. What business did you carry on in the Franciscan Bazaar at Budapest?

Banking—own stock. Marcus Brown's brother then stole money out of my safe, and I had him brought back by the police from Vienna. Made agreement in presence of police to pay me back. He was to do so in installments. Paid less than one-tenth. Dead now. "Marcus Brown is the man doing this blackmailing now." Schwarz.

8. Where is your naturalization certificate?

My wife said she saw it in the consulate in London in presence of Mr. Tyler and Mr. Wilson, or Mr. Westacott. They have since been found and sent to Washington. Mr. Bennet, Congressman, N. Y., wrote to my wife saying papers are in order. Wife saw records in N. Y. post office.

[Copy.]

DEPARTMENT PASSPORT APPLICATION.

NATURALIZED.

I, Samuel Schwarz, a naturalized and loyal citizen of the United States, hereby apply to the Department of State at Washington for a passport for myself, accompanied by my wife.

Digitized by Google

I solemnly swear that I was born at Budapest on or about the 5th day of July, 1851; that I emigrated to the United States, sailing on board the *Maasdam* from Bologne on or about the —— day of ———, 1884; that I resided about 17 years, uninterruptedly, in the United States, from 1884 to 1901, at New York; that I was naturalized as a citizen of the United States before the court of the United States post office B, at New York, on the 25th day of November, 1901, as shown by the accompanying certificate of naturalization; that I am the bearer of passport No. (had one), issued by Washington on the —— day of ———, 1901, which is returned herewith; that I am the identical person referred to in said certificate and passport; that I am domiciled in the United States, my permanent residence therein being at (no permanent residence). I have been residing abroad temporarily since 1912 in the following countries:[1] Italy, France, England; that I last left the United States on the —— day of 1911 or 1912, arriving in London (Savoy Hotel) the —— day of ———, 1—; that I am now temporarily residing at London; and that I intend to return to the United States within at once, with the purpose of residing and performing the duties of citizenship therein.

I have not applied elsewhere for a United States passport or for consular registration and been refused.

I desire a passport for use in visiting the countries hereinafter named for the following purpose: U. S. A. ——.

OATH OF ALLEGIANCE.

Further, I do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I take this obligation freely, without any mental reservation or purpose of evasion: So help me God.

(Signed) SAMUEL SCHWARZ.

American Consulate General at London (Reading Prison). Sworn to before me this 29th day of February, 1916.

[SEAL.] (Signed) E. HARRISON YELVERTON,
American Consular Assistant.

DESCRIPTION OF APPLICANT.

Age, 64 years. Stature, 5 feet 6 inches, Eng. Forehead, sloping. Eyes, brown. Nose, straight and thick. Mouth, gray moustache over straight mouth. Chin, moderate. Hair, gray. Complexion, ruddy. Face, round.

[Copy.]

AFFIDAVIT TO OVERCOME PRESUMPTION OF EXPATRIATION.

[For use of naturalized citizens.]

[A naturalized citizen may overcome the presumption of expatriation by presenting satisfactory evidence establishing the following facts: (*a*) That his residence abroad is solely as a representative of American trade and commerce, and that he intends eventually to return to the United States permanently to reside; or, (*b*) that his residence abroad is in good faith for reasons of health or for education, and that he intends eventually to return to the United States to reside; or, (*c*) that some unforseen and controlling exigency beyond his power to foresee has prevented his carrying out a bona fide intention to return to the United States within the time limited by law, and that it is his intention to return and reside in the United States immediately upon the removal of the preventing cause; or, (*d*) that he has made definite arrangements to return immediately to the United States for permanent residence.]

I, Samuel Schwarz, a naturalized and loyal citizen of the United States, do solemnly swear that I last left my domicile in the United States at New York on or about the —— day of ——, 1911; that I have since resided temporarily at London, Paris, Italy, France, and that I arrived in London, where I am now temporarily residing, on the —— day of ——, 1911, my reasons for such residence being as follows: Interested in American business and inventions; Great Shoe Manufacturing Co., Boston 1913–14. They said they would continue negotiations after the war. Connected with Mr. Libermann. I offered him a stereoscopic colored cinema machine—New Gallery Cinema, Regent Street. Mr.

[1] See circular instructions concerning the expatriation act of Mar. 2, 1907.

Digitized by Google

Hewett, of Tennessee, and I were interested in forming and promoting a steel company on Pacific coast. Still have connections with General Electric Co., London.

Since establishing a residence abroad I have made the following visits to the United States: 1911 and 1912 (made trips to Paris since last date, but lived mostly in London).

I have not since my naturalization as an American citizen been naturalized, taken an oath of allegiance, or voted as a foreign citizen or subject, or in any way held myself as such.

I maintain the following ties of family, business, and property with the United States: Wife. Brother, somewhere in America. Nephew, professor in some college.

I do not pay the American income tax at:[1] No.

I intend to return to the United States at once.

I last registered in the American consulate at—Never. (Tried to do so at outbreak of war, but had no papers.)

(Signed) SAMUEL SCHWARZ.

Subscribed and sworn to before me at London (Reading Prison) this 29th day of February, 1916.

[SEAL.] (Signed) E. HARRISON YELVERTON,
American Consular Assistant.

[Translation of report in Grazer Tagblatt of Oct. 9, 1911.]

THE "DUKE OF SUBEN."

Of the people who conducted the bankrupt Gyr-Guyer "Bank" in the Schmiedgasse, the managing clerk, Sam Lewis Schwartz, 63 years of age, is probably, as stated in the Oesterreichische Volkszeitung, the most interesting person. He is a convicted criminal, who is as well known in Vienna as in the other European capitals, and who has already committed frauds in America. He suffered a lengthy imprisonment in the convict establishment of Suben and since then he bears in the international criminal world the nickame of "Duke of Suben," under which pseudonym he is generally known. The entries in the police records recount that he appeared first in Vienna in the seventies and carried on the so-called "Ratenbriefschwindel" (installment-letter swindle). He was considered as the best "persuader" (Wulger), the name given in the criminal world to those people who employ toward their victims the most perfect arts of persuasion in order to bend them to their purposes. He traveled all over the Austro-Hungarian Monarchy and knew how to dispose of the "Bobbes," as installment letters were called, and were intended to be mistaken, in consequence of their rich coloring, with "gold revenue certificates" (Gold Rente) just then issued. The business went excellently, and Schwartz was able to afford himself the luxury of a monthly private cab, rich champagne stocks, and an expensive way of living. When the installment-letter swindle had reached its height, Schwartz settled in Graz and established here a banking and exchange business which, however, only lasted two years. Schwartz had committed a series of frauds and had fled from Graz. But during his flight he was captured and condemned in Graz to several years' imprisonment, which he underwent at Suben.

After undergoing his punishment he settled in Budapest and opened, in the building of the Franciscan Bazar, opposite the building of the chief of police, an exchange office, which, however, only served again as a cloak for various frauds. On account of these frauds Schwartz was condemned to two and one-half years' imprisonment, which he underwent in the Fortuna Building, where the criminal court was situated. After a journey to all the capitals of Europe, he returned to Budapest and became a bill discounter. He understood how to get hold of moneyed men, whom he finally swindled with false bills of exchange to the amount of nearly a million kronen.

Previous to the receipt of complaints, he had taken to flight and gained such an advantage that he had reached New York when the police were informed of his frauds. In New York and other cities of America he was so successful in carrying on his "installment-letter swindle" that he acquired a considerable fortune within a period of a decade. Then he went to South America where,

[1] Applicant should state whether or not he is subject to this tax.

Digitized by Google

however, he again lost the money in a number of speculations. After a short stay in Paris, Schwartz returned again to Budapest. The statute of limitations for the crimes committed by him in Hungary having meanwhile begun to operate and the renewal of the warrant having been neglected, the authorities were unable to touch the man. In Budapest he attempted, in conjunction with the Zurich banker, R. Gyr-Guyer, to found a racing bank. As, however, the Hungarian Jockey Club refused to grant the concession for the bookmaker section connected with the racing bank, the project fell through. Then he established an office for aviation undertakings, finally becoming managing clerk or manager of the banking company of Gyr-Guyer in Graz. Sam Lewis Schwartz, who described himself everywhere as a German-American, although he originates from Galicia, will once more have an opportunity of inhabiting the penal establishment from which he had derived his sobriquet of "the Duke of Suben."

No. 3508.] EMBASSY OF THE UNITED STATES OF AMERICA,
London, April 18, 1916.

The honorable the SECRETARY OF STATE,
Washington.

SIR: With further reference to my dispatch No. 3174 of March 3, 1916, with reference to the case of Samuel Schwarz, alias Simon Stern, I have the honor to transmit herewith inclosed for your information a copy of a communication from the consul general in London, dated April 14, 1916, advising me that he is in receipt of a letter from the consul general at Budapest with reference to a woman, claiming to be Mrs. Samuel Schwarz. The statements made by the consul general would appear to identify Samuel Schwarz still more conclusively with the individual "wanted" by the Austro-Hungarian police department.

I have the honor to be, sir,
Your obedient servant,

WALTER HINES PAGE.

AMERICAN CONSULATE GENERAL,
London, April 14, 1916.

Hon. WALTER HINES PAGE,
American Ambassador, 4 Grosvenor Gardens, S.W.

Citizenship of Samuel Schwarz, alias Simon Stern.

SIR: Referring to my letter of March 2, reviewing the claim to citizenship of Samuel Schwarz, alias Simon Stern, I have the honor to state that on March 23 the American consul general at Budapest informed me that he had received a letter from Mrs. Samuel Schwarz in which she requested news of her husband and desired him to be informed that she was badly in need of funds.

The contents of this letter were transmitted to Samuel Schwarz, alias Simon Stern, at Reading Prison; and I have before me the following letter on the subject from the governor:

I have to acknowledge the receipt of your letter of the 30th March and to inform you in reply that Simon Stern, alias Samuel Schwarz, states that he has no funds at his disposal and consequently is unable to render any assistance.

He states that he is in good health. His story as to his wife in Budapest and also to another wife in the United States is so contradictory that I am unable to afford any explanation as to whether he is married to either woman or to both.

Digitized by Google

You will not fail to note that, although Samuel Schwarz has been professing all the time not to be the individual "wanted" by the Austro-Hungarian police department, he now alleges that he is unable to render any assistance to Mrs. Schwarz because he has no funds, and is very confused in his other explanations.

The letter of April 5 from Reading Prison confirms my conviction that Samuel Schwarz, alias Simon Stern, is in fact the same individual who is known in his native country as the Duke of Suben, and is not entitled to be regarded as an American citizen.

I have the honor to be, sir,

Your obedient servant,

(Signed) ROBERT P. SKINNER,
American Consul General.

O

Digitized by Google

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 1185.

REDUCED RATES FOR TRANSPORTATION OF UNITED STATES TROOPS.

LETTER

FROM

THE ACTING SECRETARY OF WAR,

TRANSMITTING

DRAFT OF PROPOSED AMENDMENT TO SECTION 22 OF THE ACT TO REGULATE COMMERCE TO MAKE REDUCED RATES FOR TRANSPORTATION OF THE MILITARY FORCES OF THE UNITED STATES WHEN THE TRAVEL IS PERFORMED ON TRANSPORTATION REQUESTS AND PAID FOR BY THE UNITED STATES OR STATE GOVERNMENTS.

MAY 31, 1916.—Referred to the Committee on Interstate and Foreign Commerce and ordered to be printed.

WAR DEPARTMENT,
Washington, May 27, 1916.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR:

1. There is inclosed a draft of proposed amendment to section 22 of the act to regulate commerce, which, if enacted into law, will permit common carriers to make reduced rates for transportation of the military forces of the United States when the travel is performed on transportation requests and paid for by the United States or State Governments.

2. Practically all carriers in the United States have made certain reductions for the transportation of troops of the Regular Army when traveling either as organizations or as individuals, but are prevented from making any reductions for transportation of the militia or of civilians attending training camps under rulings of the Interstate Commerce Commission; that commission has only recently held as follows:

The commission, however, begs to say that it finds in the act no express authority for the transportation of individuals belonging to the Army, Navy, or Marine Corps free or at special or reduced rates of fare. There is, of course, in the act express authorization for the transportation of property for the United States free or at reduced rates

Digitized by Google

and such transportation covers the transportation of necessary agents accompanying same as caretakers. This explicit permission for the carriage of caretakers of property induced the commission to make its conference ruling 218. In this case the commission was passing upon the movement of bodies of troops, along with their accouterments, and here the commission held that—

"Carriers, either by contract or bid or other arrangement with the War Department, may lawfully make special rates or fares for the movement of Federal troops, when moved under orders and at the expense of the United States Government, and that the rates or fares so made need not be posted or filed with the commission."

3. Under section 54 of the Army organization bill now before the President, provision is made for transportation at public expense of citizens to training camps, and unless some authority such as that requested in the attached draft is given the Government will be compelled to pay full commercial tariff rates for all this travel, as well as for that of the militia participating in joint camps.

4. Particular attention is also invited to the fact that, as shown by the above quotation, the Interstate Commerce Commission appears to be of the opinion that reduced rates can be given legally only for organizations, or bodies of troops, and not of such individual soldiers as may move from time to time at Government expense.

Respectfully,

WM. M. INGRAHAM,
Acting Secretary of War.

PROPOSED AMENDMENT TO SECTION 22 OF THE ACT TO REGULATE COMMERCE, APPROVED FEBRUARY 4, 1887, AS AMENDED MARCH 2, 1889, AND FEBRUARY 8, 1895.

[New matter in italics.]

SEC. 22. That nothing in this act shall prevent the *issuance of tickets at reduced rates on transportation requests for persons in the military or naval service of the United States or State Governments, including civilians attending military training camps or naval training cruises, when moved at the expense of the United States or State Governments, or the* carriage, storage, or handling of property free or at reduced rates for the United States, State, or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat, or the free carriage of destitute and homeless persons transported by charitable societies, and the necessary agents employed in such transportation, or the issuance of mileage, excursion, or commutation passenger tickets; nothing in this act shall be construed to prohibit any common carrier from giving reduced rates to ministers of religion, or to municipal governments for the transportation of indigent persons, or to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers, and of Soldiers' and Sailors' Orphan Homes, including those about to enter and those returning home after discharge, under arrangements with the boards of managers of said homes; nothing in this act shall be construed to prevent railroads from giving free carriage to their own officers and employees, or to prevent the principal officers of any railroad company or companies from exchanging passes or tickets with other railroad companies for their officers and employees; and nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies: *Provided*, That no pending litigation shall in any way be affected by this act: *Provided further*, That nothing in this act shall prevent the issuance of joint interchangeable five-thousand-mile tickets, with special privileges as to the amount of free baggage that may be carried under mileage tickets of one thousand or more miles. But before any common carrier, subject to the provisions of this act, shall issue any such joint interchangeable mileage tickets with special privileges, as aforesaid, it shall file with the Interstate Commerce Commission copies of the joint tariffs of rates, fares, or charges on which such joint interchangeable mileage tickets are to be based, together with specifications of the amount of free baggage permitted to be carried under such tickets, in the same manner as common carriers are required to do with regard to other joint rates by section six of this act;

Digitized by Google

and all the provisions of said section six relating to joint rates, fares, and charges shall be observed by said common carriers and enforced by the Interstate Commerce Commission as fully with regard to such joint interchangeable mileage tickets as with regard to other joint rates, fares, and charges referred to in said section six. It shall be unlawful for any common carrier that has issued or authorized to be issued any such joint interchangeable mileage tickets to demand, collect, or receive from any person or persons a greater or less compensation for transportation of persons or baggage under such joint interchangeable mileage tickets than that required by the rate, fare, or charge specified in the copies of the joint tariff of rates, fares, or charges filed with the commission in force at the time. The provisions of section ten of this act shall apply to any violation of the requirements of this proviso.

O

H D—64-1—vol 145——23

Digitized by Google

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 1192.

REPORT ON AUTOMATIC TRAIN-CONTROL SYSTEM.

LETTER

FROM THE

CHAIRMAN OF THE INTERSTATE COMMERCE COMMISSION,

TRANSMITTING

REPORT OF THE CHIEF OF THE DIVISION OF SAFETY CONCERNING A TEST OF THE AUTOMATIC TRAIN-CONTROL SYSTEM OF THE GOLLOS RAILWAY SIGNAL CO. OF AMERICA, CHICAGO, ILL., WHICH WAS CONDUCTED BY THE COMMISSION'S EXPERTS FROM AUGUST 10 TO OCTOBER 1, 1915, AND FROM FEBRUARY 26 TO MARCH 31, 1916.

JUNE 5, 1916.—Referred to the Committee on Interstate and Foreign Commerce and ordered to be printed.

INTERSTATE COMMERCE COMMISSION,
Washington, May 22, 1916.

To the Senate and House of Representatives:

The Interstate Commerce Commission has the honor to submit herewith the report of the Chief of the Division of Safety concerning a test of the automatic train-control system of the Gollos Railway Signal Co. of America, Chicago, Ill., which was conducted by the commission's experts from August 10 to October 1, 1915, and from February 26 to March 31, 1916.

Respectfully submitted.

B. H. MEYER, *Chairman.*

MAY 12, 1916.

To the commission:

Under authority conferred upon the commission by a provision of the urgent deficiencies act approved October 22, 1913, this division has conducted tests of the device of the Gollos Railway Signal Co. of America, Chicago, Ill., as installed on the Chicago, Burlington & Quincy Railroad, and I have the honor to submit a report covering these tests.

Digitized by Google

The report upon this system has been compiled in accordance with the following outline:

I. Device tested.
II. History of development.
III. Description of installation.
IV. Detail description of apparatus.
  (a) Track apparatus.
  (b) Engine apparatus.
V. Description of tests.
VI. Analysis of tests.
VII. Discussion.
VIII. Conclusions.
IX. Supplementary tests.
X. Description of revised apparatus.
XI. Description and discussion of tests.
XII. Conclusions.

Device Tested.

This system is an automatic train-control system of the intermittent electrical contact type, and consists of an automatic train stop, cab signals, a speed-control arrangement, and a recording device.

History of Development.

The plans of this device were considered by the block-signal and train-control board in May and June, 1912, but as material changes in the plans first submitted were found necessary, and as the board was abolished on June 30, 1912, thorough consideration of the revised plans could not then be given and no opportunity for a practical test was afforded.

After the discontinuance of the board, an installation of the automatic stop embraced in this system was made on the De Kalb branch, eastern division, of the Chicago Great Western Railroad, between Sycamore and De Kalb, Ill., one engine being equipped with the engine apparatus. Demonstrations of this installation were made by the proprietors, the apparatus being in service intermittently from September, 1912, to April, 1913.

The tests on the Chicago Great Western resulted in further revision and development of the apparatus, and when the investigation of devices was resumed by the commission under the act of October 22, 1913, the Gollos system, as then developed, was again presented for consideration, detail plans being filed with the commission on February 6, 1914. As a result of criticisms of certain features which were pointed out to the proprietors following an examination of these plans, certain changes in the apparatus were made, and the system as thus revised was approved for test on April 21, 1914.

During the summer of 1914 arrangements were completed by the Gollos Railway Signal Co. for making an experimental installation of this system on the Chicago, Burlington & Quincy Railroad, including the equipment of one engine and about 6 miles of single-track road between Sugar Grove and Big Rock, Ill. The installation work was begun during the fall of 1914, but was not completed until March, 1915, when a preliminary inspection of the apparatus was made. The official tests were begun on August 10, 1915, and were continued until October 1, 1915.

Digitized by Google

DESCRIPTION OF INSTALLATION.

Where this installation is located the controlled manual block system without track circuits is in use, block signals being located at Sugar Grove and at Big Rock. The Gollos system is installed and operated independently of the block system in use, and no fixed signals are used in connection with this device.

The track or roadway equipment of the installation tested is illustrated diagrammatically in figure 1. This equipment comprises 14 track circuit sections, arranged to provide four blocks in each direction, with an overlap of 3,000 feet. The track relays control-line circuits, which in turn control the supply of electric current from the ramp batteries to the ramps or contact rails. In this installation there are 18 ramps, 8 for westbound movements and 10 for eastbound movements.

A freight locomotive, No. 2060 (type R–5), is equipped with the engine apparatus, which is illustrated diagrammatically in Fig. 2. This apparatus comprises two contact shoes and circuit breakers, one mounted on each side of the forward tender truck, a reverse switch operated by the locomotive reverse lever, a hand-operated proceed switch, a governor carrying electrical contacts and mounted on the forward tender axle, relays and solenoids for controlling the electric circuits and air brake and air whistle valves, an electrical recording device with a lamp indicator, together with battery and necessary wiring and piping, all of which will be described in detail later in this report.

DETAIL DESCRIPTION OF APPARATUS.

Track apparatus.—Referring to the plan of the track apparatus, all the relays shown are normally energized and all ramps are normally supplied with electric current from the ramp batteries. There is a separate 50-volt battery for each ramp; the circuit from each ramp battery to its respective ramp is controlled by a line relay at the battery location, the positive side being broken through a relay point and thence leading to the ramp, and the negative side of the battery being grounded to the running rails.

The ramps on one side of the track, the right-hand side in the direction of traffic, control train movement, and caution and stop ramps alternate; all ramps shown bearing odd numbers are caution ramps and those even numbered are stop ramps. When the line relay controlling the battery of a stop ramp is deenergized, the circuit to that ramp is broken and the ramp is entirely deenergized, but when the line relay at a caution ramp location opens, a connection from battery to ramp is made through a back point of the line relay and a resistance coil in series. The stop-ramp line relay also controls the caution-ramp line relay at the first location in rear, so that when the stop ramp is deenergized the first caution-ramp line relay in rear opens and the circuit to that ramp is made through a resistance coil which cuts down the supply of electrical energy on that ramp and thereby places it in caution condition.

Referring to figure 1, when a westbound train enters track section *a*, relay SRa opens. This breaks the circuit leading from the 10-volt battery at track box 1 to line relay E 10 and also opens the circuit leading out of this box on line wire 2. The opening of line relay E 10 breaks the connection from the 50-volt ramp battery to ramp E 10, and also opens the line circuit leading from the 10-volt

Digitized by Google

battery through a point of relay E 10, point of track relay *b*, line wire 1, to relay E 9. Relay E 9 is therefore deenergized, and the opening of this relay breaks the connection from ramp battery through front point of relay E 9 to ramp E 9, and establishes a connection through a back point of this relay, in series with which is a resistance coil of 275 ohms. The opening of line wire 2 at track box 1 breaks the normal circuit to relay E 8, which deenergizes ramp E 8 and relay E 7. Therefore, with track section *a* occupied, an approaching eastbound train would receive a caution indication at ramp E 7, a stop operation at ramp E 8, a caution at ramp E 9, and a stop at ramp E 10.

When the westbound train enters section *b*, relay SR *b* opens; and relay SR *a* closes when the train clears section *a*. Relay SR *b* also controls the circuits to relays E 9 and E 8, and as relay E 8 controls the circuit to relay E 7, when track section *b* is occupied ramp E 7 is in caution condition, ramp E 8 is deenergized or in stop condition, and ramp E 9 is in caution condition. When relay SR *a* closes, the normal circuits are restored to relay E 10 and to ramp E 10.

In the same manner, when the train enters section *c*, ramps W 1, E 5, and E 7 are placed in caution condition, and ramps E 6 and E 8 are deenergized and placed in stop condition.

As will be noted, the line circuits employed in this installation are arranged to afford protection for both following and opposing trains. Taking a typical location as an example, with a westbound train occupying track section *g*, a following westbound train would receive a caution operation at ramp W 1, a stop at ramp W 2, another caution at W 3, and a second stop at W 4; and an opposing eastbound train would receive a caution at ramp E 3, a stop at E 4, a caution at E 5, and a stop at E 6. This automatic train-control device, can of course be adapted to any system of signal-control circuits.

The following tabulation shows all the ramps in the installation tested which are affected when each track section is occupied, the letter *c* being used when the ramp indicated is in caution condition and the letter *s* when the ramp indicated is entirely deenergized or in stop condition; the blank spaces indicate ramps fully energized or in clear condition—ramps which are not affected by the shunting of each track circuit:

Section occupied.	Ramps affected.																	
	Westbound.								Eastbound.									
	W1	W2	W3	W4	W5	W6	W7	W8	E1	E2	E3	E4	E5	E6	E7	E8	E9	E10
a															c	s	c	s
b															c	s	c	
c	c												c	s	c	s		
d	c	s											c	s	c	s		
e	c	s											c	s	c			
f	c	s	c								c	s	c	s				
g	c	s	c	s							c	s	c	s				
h	c	s	c	s							c	s	c					
i			c	s	c				c	s	c	s						
j			c	s	c	s			c	s	c	s						
k			c	s	c	s			c	s	c							
l					c	s	c		c	s								
m					c	s	c	s	c	s								
n					c	s	c	s	c									

Digitized by Google

In the installation tested, standard 4-ohm track relays and 500-ohm line relays are used. For the ramp and line batteries employed in this installation dry cells are used. From 40 to 43 No. 6 cells are used for the ramp batteries, and for the line batteries 8 cells are used, except that at Sugar Grove and Big Rock, track locations 1 and 13, potash crossing-bell batteries are utilized for supplying energy to the line relays. A relay box is shown in figure 4.

The caution ramps are 75 feet long and the stop ramps are 50 feet long. They consist of inverted T iron, mounted on insulated brackets, as shown in fig. 3, the shank of the T forming the contact surface. The ramps are mounted on the ends of long ties, and are set at a slight angle to the running rail so as to afford a shearing contact with the contact shoe and to distribute the wear on the contact shoe. The ramps are located 21 inches from the gauge side of the rail at the receiving end and 23 inches at the other end, and the contact surface is 4 inches above rail level.

An insulated joint is placed opposite each stop ramp and a loop around this joint is run along the full length of the ramp and insulated from it; at caution ramps one of the leads from the track battery is run along the ramp before the connection is made to the running rail. The purpose of this arrangement is to break the track circuit and thereby transmit protection in both directions in case a ramp is removed or torn out of place.

Engine apparatus.—When the engine apparatus is in clear condition there is a normally closed electric circuit leading from a battery on the engine through the electromagnets which control valves connected to the air-brake system and the air-whistle signal line. This circuit also includes contacts on the contact shoe, which are normally closed, but which are opened by the upward movement of the shoe as it passes over each ramp. When these contacts are opened the main controlling engine circuits are broken; but, simultaneously, other contacts are closed, and if the ramp is fully energized from the ramp battery sufficient current is picked up to maintain the magnets and valves of the engine apparatus in normal position. If the ramp is only partially energized, as is the case with a caution ramp in caution condition, a reduced amount of current is picked up from the ramp which is sufficient to maintain only a part of the engine apparatus in normal condition, and if the ramp is entirely deenergized, as is the case with a stop ramp in stop condition, all the train-control circuits on the engine are broken and all the valves controlled by the electromagnets are opened. An indicating and recording system is also provided, by means of which a light is displayed in the locomotive cab as each ramp is passed and a record is made of the operation of different parts of the apparatus.

Referring to the engine plan, figure 5, the controlling engine circuits may be traced as follows:

Wire A from positive side of engine battery to one end of fuse, to cut-out switch, through one coil and contact point of overload circuit breaker, through one side of normally open contacts on proceed switch, reversing switch, and reset push-button, through coils of recording relay 75, wire B, through coil spring and contact B of reversing switch, wire C to shoe contact, crosshead Z, wire D to reversing switch, through point of reversing switch, wire E to front point of relay 38, through coils of relay 38, to permanent ground on

Digitized by Google

engine frame; the negative side of the engine battery is likewise permanently grounded.

Relay 38 is used as a master relay; it is of the "stick" type, its pick-up circuit being from power wire A at reset push button, through point of this push button, wire E, coils of relay 38, to ground.

From wire A at relay 75 energy is also supplied through wire F and front point of relay 38, back point of relay 37, wire N, electric contacts N, M, K, and L on governor, wires K and L in parallel to proceed switch, wire K, coils of magnet 35, wire *e*, to ground.

Relay 37 is also a stick relay and is picked up by current from a ramp battery, through ramp, contact shoe, shoe contacts Y and G and crosshead X, wire G, including point of reverse switch, to coils of relay 37, wire H, contact points H on proceed switch and governor, to ground. When relay 37 is picked up, the circuit through the back point to magnet 35 is broken, and energy is supplied from the engine battery through front point of relay 37, wire *f*, coils of magnet 36, wire O, governor contact, to ground, and through wire F, including reversing switch and shoe contacts, crosshead X, wire and reversing switch contacts G, coils of relay 37, wire H, to ground as described.

The indicating and recording apparatus consists of a lamp located in the cab, a push button for extinguishing this lamp, 3 relays (39, 40 and 41) for controlling the light indication, and 7 relays (42 to 48, inclusive), for recording the operation of different parts of the apparatus. Electric current for the lamp and for energizing all 10 of these relays is supplied through the fuse, connections being made directly from this fuse to all of these relays, but the ground connections being normally open. The record is made on a paper tape driven by clockwork; when a ground connection is established for any relay in the recording device, the relay becomes energized and a needle carried by its armature punches a hole in the paper tape. Record is made of the following operations: (1) Double valve (controlling air supply) opened; (2) double valve closed; (3) stop operation; (4) passing of ramp; (5) proceed switch operated; (6) door of engine cabinet opened or closed; and (7) engineer's push button operated to extinguish indicator lamp.

The lamp is intended to be lighted each time the engine passes a ramp; relay 75 is deenergized as long as the engine shoe is in contact with the ramp; as its armature drops a momentary ground is made for relays 44 and 41. The armatures of relays 40 and 41 are interconnected and arranged to remain in the position set by either relay. When relay 41 is energized the light circuit is completed; the engineer's push-button is then operated, which energizes relay 39; this in turn energizes relay 40, reversing the position of the armatures for relays 40 and 41, thereby breaking the lamp circuit and extinguishing the light.

To cut the engine apparatus into service, the double valve controlling the air supply is opened, this operation at the same time closing a ground contact for recording relay 45 and making a record on the tape. The reset push button when operated closes the pick-up circuit for relay 38. When relay 38 has been picked up the normal circuits are completed, as described in the foregoing, for the holding coil of the circuit breaker, relays 75 and 38, as well as magnet 35, and this places the engine apparatus in caution condition.

Digitized by Google

The governor contact H is open at all rates of speed below approximately 15 miles per hour. The reset push button can be operated to pick up relay 38 only when governor contact H is open; if operated when contact H is closed a short circuit is formed from power wire A to wire H at the reset push button and thence to ground at the governor, and this opens the circuit breaker, which in turn opens the positive lead from the battery.

Magnet 35 controls an exhaust port to atmosphere, which is connected to the brake apparatus, and when this magnet is energized the port is closed. The circuit for magnet 35 leads through governor contacts N and M, which are always closed; contact K, which is closed at rates of speed below 15 miles per hour and from which wire K leads direct to the coils of magnet 35; and contact L, which is closed at rates of speed below 25 miles per hour and from which wire L leads to a contact on the proceed switch, through this switch to wire K and thence to magnet 35. The opposite side of magnet 35 is connected to permanent ground *e*.

When relay 38 is picked up, therefore, with relay 37 open, the circuit for magnet 35 is completed at all rates of speed up to approximately 15 miles per hour, regardless of the position of the proceed switch, and at all rates of speed up to approximately 25 miles per hour when the proceed switch is in normal position with contacts L and K closed. If, with the apparatus in this condition, the rate of speed exceeds the prescribed limits, the circuit for magnet 35 is broken at the governor and the exhaust port is opened, operating the brake apparatus.

When the reset push-button is operated and relays 38 and 75 are picked up, the circuits for recording relays 43 and 44 and for lamp relay 41 are closed momentarily, a record is made on the tape, and the lamp in the cab is lighted. To extinguish the light the engineer's push-button is then operated, which energizes lamp relays 39 and 40 and thereby breaks the lamp circuit; a record of this operation is also made on the tape.

The engine apparatus remains in caution condition until the contact shoe on the right-hand side in the direction of traffic makes contact with the first fully energized ramp. Then current picked up from this ramp energizes relay 37, provided the rate of speed is 15 miles per hour or higher and governor contact H is closed. When relay 37 is picked up, the circuit for magnet 35 is broken, and the normal holding circuit for relay 37 is made, together with the circuit for magnet 36.

The engine apparatus is now in clear condition. In addition to magnet 35, magnet 36 also controls the exhaust port, and when energized closes this port. The ground connection for magnet 36 is made through governor contact O, which is closed at all rates of speed from zero to the maximum speed allowed—on the engine used in the official tests the maximum for which governor contact O was set was 50 miles per hour—and with the apparatus in this condition the engine can proceed at any rate of speed up to the maximum speed allowed.

As the contact shoe passes over a ramp there is a momentary lapping of the shoe contacts during the first part of the upward stroke and the last part of the downward stroke. When the shoe has made a proper upward movement, the normal engine circuits for relays 37,

Digitized by Google

38, and 75 are broken by the action of the contacts carried on the crosshead, but relays 38 and 37 are maintained energized by current picked up from the ramp. For relay 38 the current flows from the ramp through the shoe, contact Y, crosshead Z, wire D, reverse switch, wire E, front point of relay 38, coils of relay 38, wire *e* to ground. For relay 37, current flows from the ramp through the shoe, contact Y, crosshead X, wire G, including reverse switch contact, coils of relay 37, wire H to ground at the governor. The circuit for relay 75 is broken at shoe contact C and is not restored from the external battery; relay 75 therefore opens, operating the recording and lamp relays controlled by its armature. As the contact shoe passes off from the ramp, the normal circuits from the engine battery are restored, and the engine apparatus is maintained in clear condition. The engine shoe is shown making contact with a ramp in figure 6, and with cover removed in figure. 7.

When the contact shoe engages a ramp in caution condition the normal engine circuits are broken, and circuits through relays 38 and 37 are established in the same manner as before from the ramp battery. However, the amount of energy available on a ramp in caution condition is reduced by the resistance coil in series with the ramp battery and the back point of the line relay. The drop-away point of relay 37 is higher than that of relay 38, and sufficient current is not picked up from a ramp in caution condition to maintain relay 37 energized. Relay 37 therefore opens. Relay 38 is maintained energized by the current from the ramp battery until the contact shoe passes off from the ramp, when its normal circuit from the engine battery is restored. The apparatus is now in caution condition. The engine circuits for relay 37 and magnet 36 are broken at the front point of relay 37. If the rate of speed is above 25 miles per hour the circuit for magnet 35 is not completed, and, both magnets 36 and 35 being open, the exhaust port from the brake apparatus to atmosphere is opened and a brake application is made. This exhaust port remains open until the speed is reduced to 25 miles per hour, when governor contact L is closed, which completes the circuit to magnet 35, and the picking up of this magnet closes the exhaust port.

With the engine apparatus in caution condition, the engine can proceed at a speed of 25 miles per hour or less without receiving a brake application until a deenergized stop ramp is reached. As the contact shoe passes over this ramp the engine circuits for relays 38 and 75 are broken at the shoe contacts, and as the ramp is deenergized no circuit for relay 38 from the ramp battery is established. Relay 38 is, therefore, deenergized, and the opening of this relay breaks the circuit for magnet 35 at front contact F. All engine relays and magnets are now open and a brake application occurs.

When this apparatus has assumed stop condition, relay 38 can not be picked up until the rate of speed has been reduced sufficiently to open governor contact H, or in this case to approximately 15 miles per hour. The operation of the reset push button then closes the pick-up circuit for relay 38, which restores the engine apparatus to caution, condition, and so far as the train-control apparatus embraced in this system is concerned the brakes can be released and the enigne or train can proceed under caution until another deenergized stop ramp is reached, when the same procedure must be repeated, or until a fully

Digitized by Google

energized ramp is reached, which restores the engine apparatus to clear condition.

The proceed switch is provided to enable an engine to proceed in case it is stopped with the contact shoe standing on a deenergized ramp and to permit a train to pass a deenergized stop ramp at low speed. When the proceed switch is reversed, recording relay 46 is operated, contacts H and K-L are broken, and contact A-R is made. The breaking of contact H prevents the establishing of a circuit for relay 37, and it is consequently impossible for the engine apparatus to be placed in clear condition when the proceed switch is in reversed position. The breaking of contact K-L reduces the maximum speed at which the engine can be operated under caution condition, without a brake application, from 25 to 15 miles per hour, controlled by governor contacts K and L. And the making of contact A-R at the proceed switch completes a path for the circuit for relay 38 in parallel with the shoe contacts; current flows through this contact and wire R to wire E at the reverse switch, and thence to front point and coils of relay 38, wire *e* to ground.

By means of this arrangement, if a train is stopped with the engine shoe in contact with a dead ramp, the proceed switch can be reversed and the engine apparatus placed in caution condition by operating the reset push button, and a train can also pass a deenergized stop ramp at low speed without receiving a brake application.

The circuit breaker employed in this device is of the overload type and operates to break the controlling engine circuits in case of excessive flow of current due to a ground or other cause. When the circuit breaker has been operated, circuit breaker contact T is closed, and the reset coil is energized by operating the reset push button, which restores the circuit breaker to normal position. As noted in the foregoing, however, if the reset push button is operated when governor contact H is closed, the engine battery is short circuited, which operates the circuit breaker and opens the circuit.

The reversing switch is operated by a motion plate connected to the locomotive reverse lever, and is intended to shift the controlling circuits from one contact shoe to the other in accordance with the direction the engine is being operated. On one arm of this switch there are two normally open points, A and H, which are closed whenever the reverse lever is thrown from one position to the other. If the reverse lever is thrown over when the rate of speed is high enough for governor contact H to be closed, the engine battery is short circuited and the circuit breaker is operated, opening the main engine circuits and causing a brake application. A spring is also provided which is intended to open the circuits at the reverse switch in case the latter becomes disconnected from the reverse lever. This spring forms a part of the main engine circuit, so that its breakage or removal would be detected by breaking the engine circuits.

The governor is of the ball type (fig. 8) and is mounted on the front tender axle; it is driven by a set of bevel gears. In addition to the driving gears, there is a second pair of bevel gears mounted adjacent to the driving gears; the gear teeth of this second pair are spaced twice as far apart as the teeth of the driving gears and normally do not make contact. The gear of the second pair, which is attached to, but insulated from, the axle, is constructed with a collar, upon which contact brushes N and M ride, and this collar is therefore

Digitized by Google

energized and forms a part of the circuit for magnet 35. Should the driving gears become stripped or displaced, or if on account of any other derangement of the governor apparatus the gears of the second pair should make mechanical contact with one another, wire N would be grounded on the tender axle and a short circuit would occur if relay 37 was open, or as soon as it did open.

The crosshead of the governor carries four electrical contacts, as follows: H, which is normally open and which is closed at speeds of from 15 miles per hour to maximum; O, which is closed from zero to maximum speed; K, which is closed from zero to 15 miles per hour; and L, which is closed from zero to 25 miles per hour. The governor case is journalled on the tender axle.

All the engine wiring consists of flexible, armored, insulated wire and cable, each wire and each cable being covered with metallic braid. This covering is electrically grounded, so that crosses between wires are guarded against and broken-down insulation would result in a ground which is intended to operate the circuit breaker.

The engine battery is carried in a box attached to the tender frame, and a junction box is provided between the engine and tender. The reverse switch, proceed switch, and indicating lamp and lamp relays are located on the right-hand side of the cab in front of the engineer's seat. The relays, magnets, and recording device are mounted on a panel board in a cabinet suspended from the cab roof over the deck of the tender (fig. 9). The circuits for these instruments are carried by bus bars from a terminal board in the back of the cabinet to the instrument terminals and points.

Relays 38, 37, and 75 and magnets 36 and 35 are all of the solenoid type, and a sliding or wiping contact is made at all of the points. The contacts for operating the relays of the recording device are closed only for an instant; wiping contact of this character is also provided in the engineers' push button and in the other parts of the apparatus operating the recording device relays, and is necessary for the reason that if the circuit were closed for any considerable interval of time the needle puncturing the paper tape would be held in operative position and would stop the clock.

The cores of magnets 35 and 36 are connected to toggle joints, which operate valves in the air-brake and whistle-line pipes. The armature of relay 38 also controls a valve in the whistle line, and there is another valve in the whistle line which is operated by the locomotive throttle.

Mounted in the locomotive cab are two air whistles, a caution whistle and a stop whistle. The caution whistle sounds when the engine apparatus is in caution condition, and both whistles sound when the engine apparatus is in the stop condition, provided the throttle is open. The pipe connection for these whistle signals leads from the air signal line to the valve operated by the throttle; if the throttle is closed, no air is supplied to the whistles, but if the throttle is open, the air is then free to pass through the double valve into a chamber controlled by the valve which is operated by magnet 36. If magnet 36 is energized, this valve is closed and the air supply is cut off from both whistles; if magnet 36 is deenergized, however, communication is opened direct to the caution whistle, which sounds, and also to the valve controlled by relay 38 which, if closed, cuts off the air supply

Digitized by Google

from the stop whistle, and if opened allows the air to flow to the stop wnistle which also then sounds.

The train line control valve embraced in this system is shown in figure 2, and consists of a poppet valve so located as to open or close communication between the engineer's rotary valve and the train line brake pipe; a slide valve is so located as to open or close communication between the train line brake pipe and atmosphere. Both of these valves are controlled by pistons to which they are connected and which are operated by train line pressure.

Pipe 7 supplies train line pressure from feed valve pipe, through a restricted opening of $\frac{1}{16}$ inch to chamber 6, and thence to chambers 9 and 15, controlled by magnet 36. The pressure in chamber 6 raises piston 5 and poppet valve 4, thereby establishing communication between the engineer's valve and the train line brake pipe.

The pressure in chamber 3 tends to force piston and slide valve 11 downward, and thereby open port 12 to atmosphere, but is prevented from so doing by pressure in chamber 9 and a spring. With apparatus in the condition shown the engineer has the usual control of the brakes.

When communication is made between pipe 8 and atmosphere, as through double valve and the valves controlled by magnets 35 and 36, the pressure in chambers 6 and 9 is practically exhausted; then piston 5 and poppet valve 4 are forced downward by the action of eight small springs on the piston and train line pressure in chamber 2. Piston and slide valve 11 are at the same time forced downward by train line pressure in chamber 10, and communication between chamber 3 and atmosphere is established. As installed, a service application of brakes is made by this apparatus; when the train line brake pipe pressure is reduced to 30 pounds a spring forces piston and slide valve 11 upward and closes the opening to atmosphere at port 12.

Description of Tests.

When the official tests were begun, engine 2060 was assigned to special service for test purposes and runs were made with the light engine, operated under work orders, during the afternoon when traffic was light over the line where the installation is located. The locomotive remained in special service until September 6, when it was assigned to local freight service between Aurora and Savannah, making a run in one direction each day, except Sunday; it remained in this service until the conclusion of the official tests.

Before the tests were begun all track apparatus was sealed, and before the engine was assigned to regular service all engine apparatus was locked and sealed. Current and voltage readings were taken at all of the engine relays and magnets, with the shoe engaging a ramp and the engine apparatus in both clear and caution conditions.

The train-control apparatus was cut into service each day before the run through the track installation was begun and was cut out of service when the tests for that day had been completed. As in the tests of other train-control systems, the conditions of the apparatus which were necessary for carrying on the tests were created artificially, these conditions being equivalent to different operating conditions which might arise or to certain abnormal conditions of the apparatus which might occur.

Digitized by Google

Tests were made with the following conditions:

(1) All apparatus in normal or clear condition.

(2) Track circuits shunted for test runs in both directions.

(3) Reduced resistance in series with back contact of caution line relay, this relay being opened.

(4) Increased voltage of battery at caution ramp in caution condition.

(5) Ramp painted with insulating paint.

(6) Line relays opened to cause caution and stop conditions at all ramps.

(7) 275-ohm resistance coil in series with ramp battery and stop ramp, creating caution condition on stop ramp.

(8) Ramp battery disconnected from stop ramp.

(9) Special tests of proceed switch, reverse switch, brake valves, recording device, and speed-control arrangement.

Analysis of Tests.

In making the tests, when the apparatus was cut into service at the beginning of a trip through the track installation, each time the engine passed a ramp which controlled in that direction was counted as one test. The tests were numbered consecutively and the operation of the system or of parts of the system was recorded under the following headings:

1. Satisfactory operation of system.
2. Unsatisfactory operation of system.
3. Safe failure of train-control apparatus.
4. False clear failure of train-control apparatus.
5. Failure of cab signal.
6. Failure of cab indicator.

Satisfactory operations.—When the operation of the apparatus was as intended and designed, with either clear, caution, or stop conditions, it was classed as satisfactory.

Unsatisfactory operations.—When, for any reason, during a test run it became necessary to cut the apparatus out of service, unsatisfactory operations were noted at all ramps controlling in the direction of the movement which were thereafter passed by the locomotive.

Safe failures.—A caution or a stop operation at any point other than a ramp location or at any ramp which was, so far as known, in clear condition, was classed as a safe failure.

False clear failures.—A clear operation at any ramp at which caution or stop conditions had been created was classed as a false clear failure.

Failure of cab indicator.—Failure of the lamp to be lighted when a ramp was passed or the improper lighting of the indicating lamp at any point other than a ramp location was classed as a failure of the indicating and recording device.

Failure of cab signal.—The sounding of a whistle in the cab when it should have been silent was classed as a failure of the cab signal.

The total number of official tests made of this system was 917. The operation of the system in these tests is indicated by the following:

Digitized by Google

Train-control apparatus:	
Satisfactory operations	851
Unsatisfactory operations	22
Safe failures	40
False clear failures	4
Total	917
Cab signal:	
Satisfactory operations	907
Failures	10
Total	917
Cab indicator:	
Satisfactory operations	823
Failures	94
Total	917

In addition to the foregoing, there were 28 safe failures of the train-control apparatus and 64 false light indications at points other than ramp locations.

SATISFACTORY OPERATIONS.

As stated, there were 851 tests in which the train control apparatus operated as intended and designed, 904 tests in which the cab signal operated properly, and 823 tests in which the cab indicator operated properly, the operation of those units of the apparatus in the tests noted being classed as satisfactory.

UNSATISFACTORY OPERATIONS.

The causes of the 22 unsatisfactory operations of the system which were recorded during the official tests are briefly stated in the following tabulation:

Cause:	Number.
System cut out account broken contact on left-hand shoe, at point between ramps E 4 and E 5 on eastbound run	6
System cut out account broken wire N near junction box between engine and tender, eastbound run, between ramps E 4 and E 5	6
Brake valve leaking, causing drain on brake pipe. System cut out for all tests on eastbound run	10

On August 10, for the first run after the official tests were begun, engine 2060 was headed west; on the eastbound trip one of the contact members in the left-hand shoe broke off, the metal of this part not being heavy enough for the depth of the thread. This breakage interrupted the normal engine circuits, causing an undesirable stop operation and rendering it necessary to cut the system out of service, unsatisfactory operations being noted at ramps E 5 to E 10, inclusive. Before the next tests were made this contact member was repaired, and all of the contacts operated by both engine shoes were soldered. No further trouble from this or similar defects was encountered during the official tests.

The unsatisfactory operations noted in the second item in the foregoing tabulation were due to a broken wire, N, near the junction box between engine and tender; this also caused an undesirable stop operation. This wire was in an armored cable and was broken about

Digitized by Google

6 inches from the end of the cable on the side toward the engine. During later tests wires D and G for the left-hand shoe were also broken at about the same point, but as these wires led to the left-hand shoe and the engine was headed in the direction of traffic it was not necessary to cut the system out of service at that time.

The third item in this tabulation covers unsatisfactory operations which were due to a leak in one of the brake valves. This leak was caused by failure of the valve to seat properly, and was large enough to result in a considerable drain on brake pipe pressure, thereby interfering with the proper manipulation of the brakes by the engineman. This valve could be seated properly by tapping it with a hammer, but it became unseated every time the brakes were released. On this account the double valve was left in cut-out position for all the tests on an eastbound run, and unsatisfactory operations were noted at all eastbound ramps.

SAFE FAILURES.

The following is a tabulation of the safe failures which occurred during the official tests, containing both the failures of this character in the numbered tests at ramp locations and those which occurred at points other than ramp locations:

Cause.	Operations.			
	At ramps.		At other points—stop.	Total.
	Caution.	Stop.		
Improper location of insulated joints with reference to ramp E1	12			12
Track circuit trouble	2	3		5
Weak engine battery	6			6
Exhausted line battery	8	2		10
Governor trouble	4		21	25
Broken wires on engine			3	3
Broken contact on left-hand shoe			1	1
Ramp painted		2		2
Cause unknown		1	3	4
Total	32	8	28	68

As shown in the foregoing, there were twelve undesirable caution operations at ramp E1, due to the fact that the insulated joints at the end of track circuit *n* were located approximately opposite the eastern end of ramp E1, the front engine wheels therefore entering section *n* and shunting the track circuit before the shoe passed off from the ramp. When the engine was headed west, in special service, and made an eastbound movement over this ramp, the rear tender wheels entered the section before the contact shoe left the ramp, but in these movements usually the time interval during which the shoe remained in contact with the ramp after the rear tender wheels entered the track section was so short that the track, line, and engine relays, working in succession, would not open in time to cause a caution operation. When the engine was headed east, however, this time interval was increased, and caution operations occurred on ramp E1 at rates of speed varying from 14 to 33 miles per hour. To correct this cause of trouble, it was proposed to move

Digitized by Google

one of the insulated joints at the end of track section *a* two rail lengths farther east, but this was not done during the period covered by the official tests.

The track circuit trouble referred to in the tabulation preceding consisted of an unbonded rail joint at a farm road crossing in track section *i*. This caused track relay *i* to remain open while some of the tests were being made, and caused the five safe failures noted. To correct this trouble a wire was run on the ties around the unbounded rail joint.

In the case of the six caution operations for which a weak engine battery is assigned as the cause, relay 37 picked up properly as the engine shoe was passing over ramps W1, W2, W3, E1, E2, and E3, but dropped again each time as the shoe passed off from the ramp, relay 37 apparently being deprived momentarily of sufficient current to hold closed. This, it is believed, was due to opposing or "bucking" of engine and ramp batteries when the shoe contacts were lapped and both batteries were in circuit.

There were two cases where the batteries supplying line relays were allowed to become so nearly exhausted that line relays remained open, causing undesirable caution operations in eight tests and undesirable stop operation in two tests.

Failure of the governor to work as intended resulted in four undesirable caution operations at ramp locations, and 21 undesirable stop operations at points other than ramp locations. On several occasions brass dust or flakes, apparently caused by wear between the governor case and the tender axle upon which it is journaled, had to be cleaned out of the governor case; it is believed this dust formed an electrical path by which current leaked across the power wires or energized gear to ground on the tender axle, thus robbing the engine relays and magnets of part of their normal supply of current, but not causing a short circuit or ground sufficient to operate the circuit breaker. Twice operating parts of the governor were found disconnected. In one case the collar on top of the governor had become disconnected on account of displacement of the pin holding it to the shaft, and one arm connecting the governor weights to the main shaft had fallen off. The second time one of the arms connecting the weights to the main shaft became disconnected. In both of these cases the governor failed to open and close the electrical contacts as intended, and the safe failures noted resulted.

The broken wires and the broken contact in the engine shoe which caused safe failures are referred to in connection with the unsatisfactory operations noted in the foregoing.

For two tests the contact surface of ramp W8 was painted with insulating paint. This effectively broke the electrical contact between engine shoe and ramp and resulted in stop operations. The engine was run past this ramp four times, twice in each direction, and the shoe made little impression upon the paint. The contact surface of the ramp was then cleaned with a file.

There were four undesirable stop operations, one at a ramp and three at other locations, for which no definite cause could be assigned. The one at a ramp location occurred at ramp W5, a caution ramp. The engine was in special service, and it was on the first trip made that day; on the second trip a proper clear operation occurred at that point, and no condition could be found which should have

Digitized by Google

caused the failure noted. The other three unexplained stop operations occurred when the engine was in regular service, under circumstances which rendered it impracticable to make any special investigations regarding the causes of these failures.

FALSE CLEAR FAILURES.

The four false clear failures which occurred during the official tests were caused by abnormal conditions of the apparatus that were created primarily for the purpose of securing data regarding the margin of safety afforded by the working limits provided by this installation of the system rather than to duplicate conditions which are considered liable to arise in actual service.

Several tests were made at ramp W7, with relay W7 open and varying amounts of resistance in series with the ramp battery. In three of these tests, with 215 ohms and at a speed of 5 miles per hour and with 125 ohms and at speeds of 25 and 36 miles per hour, relay 37 remained closed, clear operations resulting. The voltage of the ramp battery at this location was 57 v. on open circuit.

Tests were also made with the normal amount of resistance (275 ohms) in circuit and with the ramp-battery voltage increased. With ramp-battery voltage of 76 v. and a speed of 22 miles per hour, relay 37 held closed, but with the same voltage and a speed of 35 miles per hour relay 37 opened.

FAILURES OF CAB INDICATOR.

In 30 tests the indicating lamp in the cab was not lighted when ramps were passed, and in 64 cases the lamp was lighted improperly at points other than ramp locations, making a total of 94 failures of the indicating device. Some of these failures were caused by relay 75 not opening properly as the engine passed ramps, due apparently to residual magnetism in the coils, as well as friction between the armature and spring contacts. Many of the improper light indications were due to the detail construction and arrangement of the controlling relays and circuits, while some of these failures were caused by relay 75 jarring open sufficiently to close momentarily the circuit for the relays controlling the lamp.

CAB SIGNAL.

In all of the caution and stop operations which occurred during the official tests the signal whistles in the cab sounded properly. There were, however, 10 failures of the caution whistle to be shut off when it should have been silent, 4 of which were due to a dirty valve, the other 6 being caused by erratic operation of the governor.

The tests which were made with caution conditions existing on a stop ramp were also intended primarily to furnish data regarding the precision with which the engine relays and magnets operated rather than to duplicate possible operating conditions. The contact surface of the stop ramp used in this installation is approximately 40 feet in length, and these tests demonstrated that at the speeds attainable with the engine equipped, the engine relays and magnets functioned quickly enough to operate properly with a ramp of that length. In all the tests of this character proper caution operations were received

Digitized by Google

Tests were made with the battery disconnected from a stop ramp for the purpose of demonstrating the operation of the brake apparatus when the train is running at a high rate of speed and the contact shoe engages a deenergized ramp. In each of these tests a full-service application of the brakes was made, and the train was stopped properly without damage or undue shock.

During the tests while the engine was in regular service the contact shoes several times struck obstructions along the track and were knocked out of alignment. The shoe is mounted upon a 3 by 12 by 12 inch oak plank, which is bolted to a 3 by 12 by 24 inch oak plank, the latter being secured to the front tender truck by four ⅝-inch hook bolts. Before starting on the eastbound run on September 22, it was noted that the left-hand shoe was loose, and after this run was completed this shoe and half the 3 by 12 by 12 inch plank was missing. The next day this shoe was found approximately 35 feet north of the track and 100 feet east of ramp W1. The shoe was not replaced, but wires C, D, G, and F for this shoe were disconnected at the reverse switch and the contacts bridged, this arrangement remaining in service until the conclusion of the official tests.

The special tests of the proceed switch and the reverse switch demonstrated that the normal operation of these units of the apparatus was as intended and as described earlier in this report. The engine used in these tests was equipped with a speed indicator, and tests were made to determine the rates of speed at which the electrical contacts carried by the governor are opened and closed, as well as to demonstrate the speed control features of the system; these matters will be referred to further in the discussion later in this report.

No attempt was made to check the operation of the recording clock except on September 28 to October 1, inclusive. On those dates it was found that the record made by this apparatus did not check up with actual performance.

Discussion.

The installation of this system which was tested was intended to embrace all the features of a complete automatic train-control system. The system as a whole is very flexible, as the apparatus can be arranged to provide for many different operating conditions, and different features of the engine apparatus may be used or eliminated as desired. The track apparatus also can be adapted to any system of signal control circuits and can be arranged to provide protection required by local operating conditions.

In the installation tested the apparatus is so arranged that when, for any reason, the speed of a train has been reduced to less than 15 miles per hour the apparatus automatically assumes the caution condition, regardless of track conditions, and it is then necessary to proceed to a fully energized ramp at a speed of less than 25 miles per hour before the apparatus can be restored to clear condition. This is brought about by the action of the governor, which opens one side of the circuit for relay 37 at all speeds below 15 miles per hour, and, as stated, this is a stick relay, which is picked up only at a fully

Digitized by Google

energized ramp. While this feature of the installation does not involve any special elements of danger, it may not be desirable where traffic is congested or where the blocks are of considerable length.

In fact, there seems to be no necessity or justification for requiring a train to proceed at reduced speed after it has entered a block under a clear signal, simply because a stop has been made or the speed has been reduced at some point in that block. For example, in the installation tested, if a switching movement was made or a stop was made for a flag or a hot box, or speed was reduced in climbing a grade, the apparatus was automatically placed in caution condition, and the train was required to proceed to the next fully energized ramp under caution, even though it entered the block under a clear signal and the track ahead was clear.

It should be noted, however, that this feature is not inherent in the system; in this case the apparatus was purposely arranged in this manner to provide for a special operating condition, but if not desired this feature can be eliminated by a slight rearrangement of the engine apparatus.

The train line control valve, as constructed and used in this installation, is not properly designed for the purpose intended, and in its present form and location it should not be permitted to be used. It is absolutely essential that no part of any automatic train-control system should be so connected or located that under conditions which may arise in service it will in any manner interfere with the proper manipulation of the train-brake system; and it must be so installed that in case of breakage or other trouble the train-control apparatus can be entirely cut out of service. The objection to this valve lies in the fact that it is in series with the engineman's rotary valve and the train-line brake pipe, and the engineman's control of the train brakes depends entirely upon the proper action of poppet valve 4. If the feed port in pipe 7 became stopped up or if there was a leak which caused a reduction of air pressure in chamber 6, piston 5 would be forced downward and poppet valve 4 would be closed, thereby entirely cutting off communication between the rotary valve and the train line. As poppet valve 4 will open with 10 or more pounds pressure in chamber 3 when chamber 2 is open to atmosphere, it is obvious that the engineman can at all times make a reduction in train-line brake-pipe pressure. The train-line brake pipe can not be recharged; however, until the pressure in chambers 6 and 9 has been built up so as to close exhaust to atmosphere at port 12 and to raise poppet valve 4 and establish communication between engineman's rotary valve and train-line brake pipe. The double valve is not properly located, as it simply cuts out the cab whistles and the valves controlled by magnets 36 and 37. No method is provided for cutting out of service the train line control valve in case of trouble with that part of the apparatus.

While the present arrangement of this apparatus involves elements of danger and its use should not be allowed, the objectionable features are not inherent in the system and can no doubt be eliminated by proper rearrangement of the apparatus.

During the tests the governor used in this apparatus was the cause of considerable trouble, as well as a number of failures of the device. The construction of this governor, with respect to both material and workmanship, is excellent, but the tests demonstrated that, as in-

Digitized by Google

stalled, it is not suitable for the purpose intended. The location of the governor can not be commended in any manner. It is not easily accessible for inspection and maintenance work, and it is located in a position where it is subjected to excessive vibration, shock, dirt and moisture. It is not believed that a governor so constructed and installed could be maintained with any reasonable degree of reliable practicability.

The engine contact shoes used in this installation weigh approximately 70 pounds each. While there is no doubt that a more secure method of fastening the shoe to the tender truck can be devised it is evident that the possibility of danger to life and property if the shoe should work loose and fly off is always present, and may be serious. In regard to the displacement of one shoe, which occurred during the tests, it is apparent that this was caused by some obstruction projecting within the maximum equipment line. Had this occurred to the shoe in operating service it would have caused a brake application. Furthermore, in this case, a brake application would have occurred as soon as the reverse lever was placed in the reverse position. The contact pieces of the engine shoe are made of hard steel and the ramps are rolled iron; neither shoes nor ramps show results of wear.

The arrangement of the relays and indicating lamps in the cab was not as well designed as other parts of the apparatus. These devices were found to require frequent and delicate adjustment, and the operation was eratic and not dependable. The recording device also was found to be not sufficiently rugged and reliable for the purpose intended. While these devices may be considered of minor importance, as compared with other parts of the system, and do not directly involve safety features, nevertheless, if used at all, they should be developed to a high state of reliability. It is noted that the indicating and recording devices, as well as the signal whistles in the cab, are designed on the open-circuit principle.

It is also noted that the arrangement provided in the reverse switch to prevent the reverse lever from being even momentarily placed in position opposed to the direction in which engine is traveling is designed on the open-circuit principle, and depends upon the integrity of the reverse-switch contacts.

From observation of the reset button in service it appears that this piece of apparatus calls for more maintenance than a device of this kind should require to keep it in proper working order. Several cases were noted where this button did not return to normal position after being operated, and it was also noted that at times the electrical contact for relay 38 was very poor.

The ramps appear rugged, and are properly installed to meet practical operating conditions. They do not interfere with the maintenance of track nor the operation of trains. It is noted, however, that if the insulated joint opposite a stop ramp should break down its defective condition would not be detected by this apparatus nor by standard signal apparatus, and the protection against a displaced stop ramp would be lost.

During the official tests no trouble was experienced in making proper electrical contact between engine shoes and ramps, except that when ramp W8 was painted the shoe did not cut through the paint, and proper electrical contact was not made. Tests should

Digitized by Google

be made under snow and ice conditions of winter to determine the reliability of this contact arrangement.

During the tests there was practically no maintenance work, except that required to correct causes of failures, after such failures had occurred in the tests. Had a reasonable amount of maintenance work been performed, a considerable number of the failures noted during the official tests would undoubtedly have been prevented.

Conclusion.

In general, this system is based upon correct principles, but the tests demonstrated that further development is necessary, particularly with reference to the detail construction and arrangement of certain parts of the apparatus.

Supplementary Tests.

From February 26, 1916, to March 31, 1916, supplementary tests of this device were made on the Chicago, Burlington & Quincy Railroad. Since the completion of the tests made in the summer and fall of 1915, the installation of this device was revised, and the changes made may be briefly described as follows:

Description of Revised Apparatus.

In the installation of this system described in the foregoing, an insulated joint was placed opposite each stop ramp and the track circuit was carried by a wire looped around this joint and attached to the ramp, the purpose of this arrangement being to provide detection by breaking the track circuit, in case a stop ramp was removed or torn out of place. It was noted in that report, however, that if this insulated joint should break down its defective condition would not be detected and no protection would then be provided against a displaced stop ramp. To remedy this condition, in the revised installation the insulated joint opposite one of the stop ramps was removed and loops in two of the line wires were attached to the stop ramp, the purpose being to break the line control circuits in both directions in case the ramp became displaced. It is proposed to use this arrangement in future.

Except in this one feature the track apparatus and controlling circuits remain unchanged, and the arrangement is otherwise the same as that previously described.

As shown by the attached plan (fig. 10) material changes have been made in the construction and arrangement of the engine apparatus and circuits. The governor and recording apparatus, the reverse switch, the reset switch, and the proceed switch have been entirely rebuilt, and both the electric circuits and the connections to the train line control valve have been rearranged. Practically all of the engine apparatus except the battery and contact shoes has been relocated.

In the revised installation the governor is driven by the trailing axle of the engine and is mounted in a case attached to the right-hand journal box of that axle. The recording apparatus is located in a case attached to the top of the governor case. The reverse switch, reset

Digitized by Google

switch, and proceed switch, together with the circuit breaker and relays 37 and 38 of the train-control apparatus, and relays 75 and 76 of the indicating and recording apparatus, are located in a box mounted on the running board on the right-hand side of the engine. The air brake and whistle valves, together with magnets 35 and 36 controlling them, are mounted in the cab of the engine; the indicating lamp is also mounted in the cab in the same location as formerly.

The circuits controlling the revised engine apparatus are as follows, one side of the battery being grounded:

Pick-up circuit for relay 38: Battery, circuit breaker holding coil, wire A, contrat A′ of proceed switch, contact A of reset switch, brushes of reset switch reversed, contact E of reset switch, wire E, coils of relay 38, wire 38, contact 38 of reset switch, brushes of reset switch reversed, contact H of reset switch, wire H, governor contact H which is intended to be closed when the engine is standing or running at any rate of speed below from 10 to 15 miles per hour, to ground.

If the circuit breaker is reversed, operation of the reset switch also restores the circuit breaker to normal position by the circuit from battery to circuit breaker, reset coil, contact T, wire T, contact S of reset switch, brushes of reset switch, to permanent ground.

Holding circuit for relay 38: Battery, circuit breaker, holding coil of circuit breaker, wire A, coils of relay 75, reverse switch contacts B and C, wire C, shoe contacts C and D, wire D, reverse switch contacts D and E, wire E, front point of relay 38, coils of relay 38, wire 38, reset switch contact 38, brushes of reset switch normal, contact XX of reset switch, wire XX, contact XX of reverse switch, to permanently grounded contact of reverse switch when reverse lever is in either forward or reverse position; if reverse lever is in center position, contact is made with reverse switch segment H, the circuit then leading by wire H to governor contact H and thence to ground provided the rate of speed does not exceed the predetermined rate and governor contact H is closed.

Normal circuit for magnet 35: Branch of wire A, mentioned above, front contact of relay 38, wire F, back contact of relay 37, wire N, governor contacts N′, K, and L, wire K, coils of magnet 35, to permanent ground; governor contact K is intended to be closed at any rate of speed below from 10 to 15 miles per hour, and contact L below from 25 to 30 miles per hour, and from contact L wire L leads to proceed switch contact, brushes in normal position, and contact K, to wire K.

Pick-up circuit for relay 37: Ramp battery, front point of line relay, ramp, engine shoe, shoe contacts Y and G, wire G, reverse switch contacts G, wire G, coils of relay 37, wire H′, contact H′ of proceed switch, brushes in normal position, and permanently grounded contact of proceed switch.

Holding circuit for relay 37: Branch of wire A, above referred to, front point of relay 38, wire F, front point of relay 37, wire F, contacts F of reverse switch, wire F, contacts F and G of shoe, wire G, reverse switch contacts G, wire G, coils of relay 37, wire H′, proceed switch contact H′, brushes in normal position and permanently grounded contact.

Normal circuit for magnet 36: Branch of wire F, mentioned above, coils of magnet 36, wire O, governor contact O, which is intended to

Digitized by Google

be closed at any rate of speed below from 45 to 50 miles per hour, to ground.

Holding circuit for relay 38 at ramps: Ramp battery, front point of line relay at stop ramp or either front or back point of line relay at caution ramp with resistance coil in series with back point, ramp, shoe, shoe contacts Y and D, wire D, reverse switch contacts D and E, wire E, front point of relay 38, wire E, coils of relay 38, wire 38, reset switch contact 38, brushes, to ground by way of XX or H as in the normal circuit.

Holding circuit for relay 37 at ramps, same as pick-up circuit; at caution ramp in caution condition, circuit is made through back point of line relay but resistance coil prevents flow of sufficient current to hold relay 37 closed.

Holding circuit for relay 38 with proceed switch reversed-circuit breaker, wire A, proceed switch contact A′, brushes in reverse position, contact R, wire R, front point of relay 38, wire E, coils of relay 38, wire 38, reset switch contacts 38, brushes, to ground by way of XX or H as in the normal circuit.

Indicating and recording devices—

Battery to fuse;

Fuse, wire 17, back point of relay 75, coils of relay 76, wire 19, normally closed contact in engineer's push-button, wire 23 to ground.

Fuse, multiple circuit: One branch through back point of relay 75 and the other branch through front point of relay 76, wire 26, indicating lamp 27, to ground.

Fuse, back point of relay 75, block relay, to ground.

Fuse, multiple connections to four recorder relays, "Eng" "Pro," "Stop," and "Valve." Ground connections are made through normally open contacts in engineer's push-button, proceed switch, relay 38, and cut-out valve, respectively.

Attached to the armature of each recorder relay is a type bar. When the relays are energized the type bars strike a paper tape driven by the governor, the letters carried by these type bars being B, E, P, S, and V, respectively.

The reset switch and the proceed switch are both of a sliding-contact type, the former having three and the latter two sets of brushes operating over fixed contacts, both switches being held in normal position by a coil spring mounted on the operating rod and being operated by one three-position lever mounted in the cab. When the lever is moved in one direction the reset switch is moved to reverse position against the compression of the coil spring, thereby holding the proceed switch in normal position, and when the operating lever is moved in the opposite direction the proceed switch is moved to reverse position against the compression of the coil spring and the reset switch remains in normal position. The spring between the two switches returns either switch to normal position when the lever is released after an operation has been made.

The reverse switch is also of the sliding-contact type, operating vertically, and is actuated by a cam connected through an intermediate lever to the reverse lever, so arranged that the switch is in its raised or upper position when the reverse lever is in forward position and is in its lower position when the reverse lever is in reverse position. This switch has three sets of brushes operating upon fixed contacts; the wiring is so arranged that when the reverse lever is in

Digitized by Google

forward position and the switch is raised the circuits to the left-hand shoe are broken, being made only through the right-hand shoe, and vice versa.

The governor employed in the revised installation is of the same type as that used in the installation formerly tested, but the operating arrangement and the electrical contacts controlled by it have been materially changed. A spur gear on the trailing axle of the engine drives a pinion which actuates a pair of spiral gears, the operation of which rotates the vertical shaft upon which the governor is mounted. As the governor balls revolve the governor head is forced downward against the pressure of two coil springs. A rack carried by the governor head drives a small spur gear cut in a shaft, and upon this shaft a larger spur gear is mounted which meshes with the second rack, upon the upper end of which the electrical contacts are carried, the contact head thereby being carried downward a distance proportionate to the rate of speed. This second rack also works downward against the compression of a coil spring.

All governor contacts are closed when the engine is standing or running at low speed. Contacts H and K consist of small telescoping brushes, which are forced downward by small coil springs and follow the contact head in its downward travel until checked by the stops provided for that purpose. These contacts are intended to open when the rate of speed is between 10 and 15 miles per hour. Contacts L and O consist of strips of phosphor bronze and make a wiping contact as the head travels downward. Contact L is designed to open when the rate of speed is between 25 and 30 miles per hour, and O between 45 and 50 miles per hour. The contact head also carries two telescoping brushes, one of which makes contact between segment N′ and contact N, and the other makes contact between head 15 and a contact strip, which is grounded.

This head also carries a pencil which is designed to record the rate of speed on the recorder tape, the tape being driven by a lever and ratchet arrangement actuated by an eccentric, which in turn is driven by a worm gear on the upper end of the vertical governor shaft. The clock formerly used in the recording device has been dispensed with, the record of the revised apparatus being made upon the basis of mileage traveled rather than upon the basis of time.

In the revised apparatus the overload circuit breaker is not depended upon to check up the normal operation of the system, as was formerly done. Instead of depending upon an increased flow of current to operate the circuit breaker in case the reset switch was operated or the reverse lever thrown over at a rate of speed higher than that intended, which were features of the former apparatus, the revised system provides for a mechanical break in the circuit at governor contact H if the reset switch or the reverse switch is operated at any rate of speed above the prescribed limit. The same principle is also embodied in the proceed switch, the apparatus automatically being placed in caution condition if the proceed switch is operated, due to the fact that the ground connection for relay 37 is broken whenever the proceed switch is reversed.

In the normal operation of this revised apparatus, when the device is cut into service the apparatus remains in caution condition until contact is made with a fully energized ramp; relay 37 is then picked up, and the apparatus is then in clear condition. It remains in that

Digitized by Google

condition until contact is made with a partially deenergized or a dead ramp, and the train can travel at any rate of speed below the maximum speed limit without affecting the train-control apparatus. If the maximum speed limit is exceeded, magnet 36 is deenergized, the circuit being broken at governor contact O, thus opening the brake valve and causing a brake application, which continues as long as the rate of speed is in excess of the maximum limit. However, as soon as the rate of speed is reduced within the prescribed limits, governor contact O closes and the train control apparatus again assumes clear condition. When the apparatus is in caution condition, the train is permitted to proceed at any rate of speed below from 25 to 30 miles per hour until a deenergized stop ramp is reached, when a brake application will occur; or by operating the proceed switch the stop ramp may be passed without a brake application at any rate of speed below from 10 to 15 miles per hour.

The double valve used in the former apparatus has been discarded and a new form of cut-out valve, combining the functions of both double valve and cut-out valve formerly employed, as well as eliminating certain objectionable features noted in connection with that apparatus, is used in the revised installation. This cut-out valve is supplied with two sets of ports and serves as a two-way cock for the main reservoir connection, pipe 8, and a three-way cock for the train line connection, pipes 1 and 5. In the revised installation this cut-out valve is located between the engineer's valve and the train line control valve.

When the apparatus is cut into service, train line air flows from pipe 1 through the train line control valve by way of port 2, through pipe 3, port 4 in the cut-out valve into pipe 5; at the same time the two sections of pipe 8 make direct communication through port 9. When the apparatus is cut out of service, communication is opened directly from pipe 1 to pipe 5 through passage 4, ports 2, 2 and 4 being blanked, as well as port 9, all of the air-brake apparatus of the automatic train-control system thereby being cut out of service. The construction and method of operation of the train line control valve are exactly the same as in the earlier form of the installation.

Description and Discussion of Tests.

When the tests of the revised installation were begun, engine No. 2060 equipped with this apparatus was assigned to special service for test purposes, and tests were made on February 26 and 28 with the light engine running under work orders. On March 1 engine 2060 was assigned to service on the way-freight train between Aurora and Savannah, a distance of 108 miles, making a run in one direction each day except Sunday, and it remained in this service until the conclusion of the official tests.

The following tabulation is a classified record of the performance of the train-control apparatus during the supplementary tests of this system:

Digitized by Google

Date.	Satisfactory operations.			Unsatisfactory operations.	Failures.	
	Clear.	Caution.	Stop.		At ramps.	At other locations.
Feb. 26	33	1	1		1	
Feb. 28	44	5	5			1
Mar. 1	5	1	1		1	
Mar. 2				10		
Mar. 3	6	1	1			2
Mar. 6				8		
Mar. 8				8		
Mar. 9				10		
Mar. 13	6	1	1			4
Mar. 14	8	1	1			2
Mar. 15	6	1	1			
Mar. 16	7	2	1			
Mar. 17				8		2
Mar. 22	6	1	1			1
Mar. 24	6	1	1			4
Mar. 27				8		1
Total	127	15	14	52	2	17

Trial runs were made first with all apparatus in clear condition, and later with line relays W8 and E6 open, which created caution conditions at ramps W7 and E5 and stop conditions at ramps W8 and E6. These line relays were opened on February 26 and 28 and were left open until the conclusion of the tests. The tests which were made with the engine in special service indicated that the apparatus was working approximately as intended, except that the governor contacts did not open at the rates of speed prescribed. It was found that contacts H and K opened at a rate of speed of 17 miles per hour and L at 35 miles per hour; contact O remained closed at 52 miles per hour, the highest rate attained while these tests were being made.

During the tests with the engine in special service, several times magnet 36 failed to pick up, or to pick up promptly, due to the high pressure of air from the main reservoir against the whistle valve; this magnet would pick up properly if the throttle was closed momentarily as the shoe was passing over the ramp, thereby closing the throttle valve and cutting off air pressure from the whistle valve. This difficulty was overcome by inserting a gasket in the pipe line to the whistle, this gasket having an opening one-sixteenth of an inch in diameter.

Trouble was also experienced, both when the engine was in special service and after it was assigned to regular service, due to magnets 35 and 36 opening improperly and thus causing undesirable stop or caution operations; and while the engine was in regular service a number of other causes of trouble developed, the most serious of which were erratic action of the governor, and the contact shoes being struck by obstructions along the roadway.

After the engine was placed in regular service it was noted that there was a marked variation in the rates of speed at which the governor contacts opened, and beginning on March 6 considerable trouble was experienced due to failure of governor contacts H and K to close when the engine was standing, resulting in several failures or undesired brake applications when the reverse lever was operated and also resulting in difficulty in resetting the apparatus; the governor case frequently had to be tapped with a hammer or jarred in some

Digitized by Google

other manner before the governor contacts would close and the apparatus could be reset. On March 19 the governor was completely overhauled, and all electrical contacts were adjusted, but the rates of speed at which the governor contacts then opened seemed even more variable than before.

The contact shoe was located 3½ inches above rail level and 22 inches outside the gauge line measured from the center of shoe, the contact surface of the shoe being 3 inches in width. After the engine was placed in regular service both shoes were struck by coal piled alongside the track, crossing planks, and other obstructions along the roadway. Nearly every time the engine returned to Aurora after making a trip to Savannah one or both shoes were found more or less out of alignment. On March 2, when the train was met at Hinckley on its eastbound trip, the right-hand shoe was found hanging by one bolt, the other bolt having been sheared off, and this shoe was removed before the train reached the track installation. This accounts for the 10 unsatisfactory operations recorded on that date. On the same date the left-hand shoe was found approximately 4 inches out of alignment. On all subsequent trips until March 18 at least one shoe was twisted from one to several inches out of alignment. On March 19 to 22 both engine shoes were removed, new supporting blocks were installed, and the shoes were ground down to approximately V shape, about 1 inch being taken off from both forward and rear bottom edges, the remaining contact surface being 2 inches wide. While there was no further trouble due to striking obstructions along the roadway after this was done, the tests were not continued for a sufficient length of time to determine whether or not this new form of shoe constitutes an improvement from the standpoint of reliability, and there was no opportunity to make tests with ice-covered ramps.

While with this type of train-control apparatus it is necessary either to have the ramp within the structure clearance line or else the shoe must project outside of these lines, no trouble should arise from interference with permanent parts of the track structure. Temporary obstructions, however, such as lumps of coal, crossing planks, ice, and hard-packed snow, will always be found to a greater or lesser extent inside these lines, particularly in winter, when much trouble is experienced due to crossing planks being forced up out of place by snow and ice. The tests indicate that this trouble may be serious enough, under operating conditions at present existing on the average railroad in this latitude, to interfere materially with devices of this type giving the service intended, although no doubt by careful study of the relations between the maximum equipment lines and the structure clearance lines locations for both the ramp and contact shoes can be found which will materially reduce the trouble from this cause.

In all tests made from March 6 to 9, inclusive, the operation of the system was considered as not satisfactory, owing to the fact that when the apparatus was put into service the train-line exhaust port, through the train-line control valve, did not close; and during all the tests made in this period the air-brake apparatus of the train-control system was cut out of service. The trouble was found to be due to a leak in a pipe fitting, between pipes 7 and 10, as shown on the plan, which prevented the proper pressures supplied from the main reservoir to build up in the chambers of the train-line control valve.

Digitized by Google

This defective pipe fitting was replaced on March 9, and no further trouble from this cause was experienced until March 22, when the new fitting was found broken. Repairs were made before the engine left Aurora on March 22.

One of the principal features regarding which it was desired to obtain information during these tests was the question of the reliability of electrical contact between the engine shoes and the ramps under conditions of snow and ice. For the most part during the tests, however, there was no snow on the ground and the weather was so moderate and mild that it was impossible to create ice conditions on either ramps or contact shoes.

On March 3 there was a little very light snow on the ground, and on this date while the engine was engaged in switching operations both at Sugar Grove and at Big Rock it was noted that the apparatus was not working properly when the reverse lever was in reverse position; it was found that there was an accumulation of snow in the bottom compartment of the shoe case, and the forward side of the shoe became coated with such a hard coating of snow that it caused the shoe to stick in its upper position.

On March 8 the temperature was below freezing, and a coating of ice approximately an eighth of an inch in thickness was secured on ramp W2; but owing to a leak in a pipe fitting on the engine, the air-brake apparatus of the train-control system could not be cut into service. An attempt was made to check up the operation of the electrical apparatus; when the engine approached the ice-covered ramp the apparatus was in caution condition, and when the shoe struck the ramp magnet 36 picked up momentarily but did not hold closed, the apparatus returning to caution condition and remaining so until the next ramp was reached.

On the night of March 21, and lasting till about 10 o'clock on the morning of March 22, there was a rain-sleet-snow storm, and when the tests were made on March 22 the ground was covered with 4 or 5 inches of heavy, wet snow. However, the train did not leave Aurora on this date until nearly noon, and at that time there was practically no sleet or snow on the ramps. As shown by the tabulation above, proper operations occurred at all ramps; one undesired brake application occurred at Aurora on that date, due to a leak in a pipe connection, referred to in the foregoing.

On March 17, an undesired brake application occurred just as the train was leaving Aurora, and as the apparatus could not be reset it was cut out of service. At Sugar Grove it was found that with the reverse lever in reverse position the apparatus could be reset properly, but when the reverse lever was in forward position the apparatus would hold up only as long as the reset switch was held in reverse position. While there was not sufficient time to locate the cause of this trouble definitely, the proprietor believed that it was due to a partial ground on one or more of the electrical contacts in the right-hand shoe. The trouble was not present when the engine returned to Aurora the next day, but as noted in the foregoing, the entire engine apparatus was overhauled from March 19 to 22 inclusive. On the run on March 22 the apparatus operated as intended, but on the next trip west from Aurora, on March 24, four undesirable brake applications occurred at rates of speed varying from 22 to 36 miles per hour. On Sunday, March 26, when the engine was in the round house at Aurora,

Digitized by Google

the apparatus was again overhauled. When the apparatus was first examined on that date, it could not be reset by operating the reset switch, allhough all governor contacts were closed. Tests were made for grounds in all the circuits as well as on the shoe contacts, but none was found. It was noted that the contacts on the circuit breaker and on relay 38 were dirty and were not properly closed, and after recharging the battery it was found that by bridging one of the contacts on relay 38 the apparatus apparently would operate as intended. All the circuit-breaker contacts and the contacts on relay 38 were cleaned and adjusted; then the apparatus operated as designed, and it was left in that condition for the run the next day.

On Monday, March 27, while the engine was switching in the yard at Aurora, relay 38 would not hold closed; while the engine was standing, the apparatus could be reset, and it would hold up properly; while running it would reset but it would not hold closed for any considerable length of time. The air circuits were cut out of service at Aurora; between Aurora and Sugar Grove persistent and repeated efforts were made to reset the electrical apparatus, but as the system could not be made to work as intended, the electrical apparatus was cut out of service at Sugar Grove and the operation at all ramps was classed as being not satisfactory. Inspection of the governor and of the instruments on the running board failed to disclose the cause of the trouble, and in fact it appeared from the operation of the apparatus that the trouble was not present when the engine was standing still. As the engine was in regular service, it was not feasible at that time to make any extended examination or tests for the purpose of locating the cause of the erratic action of the appratus.

On March 29, 30, and 31 the engine apparatus was thoroughly examined and tests to locate the trouble were made with the light engine, it being taken out of regular service for that purpose. Wire L was found broken near the governor, and there was either a break or a poor electrical connection in wire D between the right-hand shoe and the reverse switch. It was found also that when the reverse lever was moved up toward center from forward position, the electrical contact between reverse switch brush and upper contact segment XX was broken as soon as the brush made contact with segment H; this occurred before the reverse lever reached center position and while it was still in position where it was frequently used in ordinary service. Under these circumstances, with the reverse lever well up toward center, the holding circuit for relay 38 would be completed through governor contact H as long as that contact remained closed, and this circuit would be broken as soon as the rate of speed was increased sufficiently to open governor contact H, causing an undesired brake application.

In view of the fact that there was no longer any possibility of making tests under severe winter weather conditions during the present season, and as the proprietor of this system stated that it was his purpose to design and build a new governor, as well as to consider other locations for ramps and contact shoes, it was decided that little if any benefit could be derived from further tests of the existing apparatus at the present time, and the tests were discontinued on March 31.

Digitized by Google

The design of the recording device provides for a record of each operation of the train-control apparatus upon the basis of the distance traveled by the engine. The recorder tape is driven in one direction, regardless of the direction of travel of the engine, the movement of the tape being approximately one-half inch per mile traveled by the engine. When engine 2060 was in regular service and had been engaged in switching operations at several points, it was, to say the least, very difficult to determine from the record the exact location of the engine at the time any operation of the apparatus occurred. Furthermore, the impressions of the type on the recorder tape were often so indistinct as to be of no value for purposes of a record of this nature. In several instances it was found practically impossible to check up the operation of the system from the record furnished, even on the experimental installation, but 6 or 7 miles in length.

Conclusions.

Referring to certain features of this train-control system which were discussed in the first part of this report, covering the earlier tests, the insulated joint opposite the stop ramp has been eliminated; the feature of placing the apparatus in caution condition whenever the rate of speed is for any reason reduced below a predetermined rate has been eliminated; the train-line control valve is now so arranged that it can be entirely cut out of service by means of the cut-out valve; and the method provided to insure that the reverse lever will not be operated when the rate of speed is above a predetermined limit is now designed on the closed-circuit principle. The governor as used in the revised installation is much more accessible, but its operation was far from being reliable. The recording device is considered entirely inadequate for the purpose intended.

While certain of the objectionable features embraced in the apparatus as first tested have been eliminated or corrected, the conditions under which the supplementary tests were made resulted in such an unsatisfactory record that the revised system in its present form can not be recommended. However, the poor performance record was a direct result of details of construction and lack of proper preliminary development tests and maintenance work by the proprietor, rather than the result of any inherent or fundamental defect embraced in the system. The apparatus, particularly the governor, should be developed to a much more advanced condition of reliability before being given further consideration.

Such tests as have been made under snow and ice conditions were not at all conclusive, and no opinion can be expressed at the present time regarding the reliability, under such conditions, of the method employed in this system of making electrical contact between track and engine apparatus.

Respectfully submitted.

H. W. Belnap,
Chief Division of Safety.

O

Digitized by Google

Digitized by Google

64TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | DOCUMENT No. 1237

NOTE

OF THE

SECRETARY OF STATE

OF THE UNITED STATES

TO THE

SECRETARY OF FOREIGN RELATIONS

OF THE DE FACTO GOVERNMENT OF MEXICO

DATED

JUNE 20, 1916

WASHINGTON
GOVERNMENT PRINTING OFFICE
1916

H D—64-1—vol 145——25

Digitized by Google

IN THE HOUSE OF REPRESENTATIVES,

June 23, 1916.

Ordered, That the note of the Secretary of State to the Secretary of Foreign Relations of the de facto Government of Mexico of June 20, 1916, be printed as a House Document.

2

Digitized by Google

NOTE.

DEPARTMENT OF STATE,
Washington, June 20, 1916.

SIR: I have read your communication, which was delivered to me on May 22, 1916, under instructions of the Chief Executive of the *de facto* Government of Mexico, on the subject of the presence of American troops in Mexican territory, and I would be wanting in candor if I did not, before making answer to the allegations of fact and the conclusions reached by your Government, express the surprise and regret which have been caused this Government by the discourteous tone and temper of this last communication of the *de facto* Government of Mexico.

The Government of the United States has viewed with deep concern and increasing disappointment the progress of the revolution in Mexico. Continuous bloodshed and disorders have marked its progress. For three years the Mexican Republic has been torn with civil strife; the lives of Americans and other aliens have been sacrificed; vast properties developed by American capital and enterprise have been destroyed or rendered nonproductive; bandits have been permitted to roam at will through the territory contiguous to the United States and to seize, without punishment or without effective attempt at punishment, the property of Americans, while the lives of citizens of the United States who ventured to remain in Mexican territory or to return there to protect their interests have been taken, and in some cases barbarously taken, and the murderers have neither been apprehended nor brought to justice. It would be difficult to find in the annals of the history of Mexico conditions more deplor-

Digitized by Google

able than those which have existed there during these recent years of civil war.

It would be tedious to recount instance after instance, outrage after outrage, atrocity after atrocity, to illustrate the true nature and extent of the widespread conditions of lawlessness and violence which have prevailed. During the past nine months in particular, the frontier of the United States along the lower Rio Grande has been thrown into a state of constant apprehension and turmoil because of frequent and sudden incursions into American territory and depredations and murders on American soil by Mexican bandits, who have taken the lives and destroyed the property of American citizens, sometimes carrying American citizens across the international boundary with the booty seized. American garrisons have been attacked at night, American soldiers killed and their equipment and horses stolen; American ranches have been raided, property stolen and destroyed, and American trains wrecked and plundered. The attacks on Brownsville, Red House Ferry, Progreso Post Office, and Las Peladas, all occurring during September last, are typical. In these attacks on American territory, Carrancista adherents, and even Carrancista soldiers took part in the looting, burning, and killing. Not only were these murders characterized by ruthless brutality, but uncivilized acts of mutilation were perpetrated. Representations were made to General Carranza and he was emphatically requested to stop these reprehensible acts in a section which he has long claimed to be under the complete domination of his authority. Notwithstanding these representations and the promise of General Nafarrete to prevent attacks along the international boundary, in the following month of October a passenger train was wrecked by bandits and several persons killed seven miles north of Brownsville, and an attack was made upon United State troops at the same place several days later. Since these attacks leaders of the bandits well known both to Mexican civil and military authorities as well as to American officers have been enjoying with impunity the liberty of the towns of northern Mexico. So far has the in-

Digitized by Google

difference of the *de facto* Government to these atrocities gone that some of these leaders, as I am advised, have received not only the protection of that Government, but encouragement and aid as well.

Depredations upon American persons and property within Mexican jurisdiction have been still more numerous. This Government has repeatedly requested in the strongest terms that the *de facto* Government safeguard the lives and homes of American citizens and furnish the protection, which international obligation imposes, to American interests in the Northern States of Tamaulipas, Nuevo Leon, Coahuila, Chihuahua, and Sonora, and also in the States to the South. For example, on January 3d troops were requested to punish the bands of outlaws which looted the Cusi mining property, eighty miles west of Chihuahua, but no effective results came from this request. During the following week the bandit Villa with his band of about 200 men was operating without opposition between Rubio and Santa Ysabel, a fact well known to Carrancista authorities. Meanwhile a party of unfortunate Americans started by train from Chihuahua to visit the Cusi mines, after having received assurances from the Carrancista authorities in the State of Chihuahua that the country was safe, and that a guard on the train was not necessary. The Americans held passports or safe conducts issued by authorities of the *de facto* Government. On January 10th the train was stopped by Villa bandits and eighteen of the American party were stripped of their clothing and shot in cold blood, in what is now known as "the Santa Ysabel massacre." General Carranza stated to the Agent of the Department of State that he had issued orders for the immediate pursuit, capture, and punishment of those responsible for this atrocious crime, and appealed to this Government and to the American people to consider the difficulties of according protection along the railroad where the massacre occurred. Assurances were also given by Mr. Arredondo, presumably under instructions from the *de facto* Government, that the murders would be brought to justice, and that steps would also be taken

Digitized by Google

to remedy the lawless conditions existing in the State of Durango. It is true that Villa, Castro, and Lopez were publicly declared to be outlaws and subject to apprehension and execution, but so far as known, only a single man personally connected with this massacre has been brought to justice by Mexican authorities. Within a month after this barbarous slaughter of inoffensive Americans it was notorious that Villa was operating within twenty miles of Cusihuiriachic, and publicly stated that his purpose was to destroy American lives and property. Despite repeated and insistent demands that military protection should be furnished to Americans, Villa openly carried on his operations, constantly approaching closer and closer to the border. He was not intercepted, nor were his movements impeded by troops of the *de facto* Government, and no effectual attempt was made to frustrate his hostile designs against Americans. In fact, as I am informed, while Villa and his band were slowly moving toward the American frontier in the neighborhood of Columbus, New Mexico, not a single Mexican soldier was seen in his vicinity. Yet the Mexican authorities were fully cognizant of his movements, for on March 6th, as General Gavira publicly announced, he advised the American military authorities of the outlaw's approach to the border, so that *they* might be prepared to prevent him from crossing the boundary. Villa's unhindered activities culminated in the unprovoked and cold-blooded attack upon American soldiers and citizens in the town of Columbus on the night of March 9th, the details of which do not need repetition here in order to refresh your memory with the heinousness of the crime. After murdering, burning, and plundering, Villa and his bandits fleeing south passed within sight of the Carrancista military post at Casas Grandes, and no effort was made to stop him by the officers and garrison of the *de facto* Government stationed there.

In the face of these depredations not only on American lives and property on Mexican soil but on American soldiers, citizens and homes on American territory, the perpetrators of which General Carranza was unable or

Digitized by Google

possibly considered it inadvisable to apprehend and punish, the United States had no recourse other than to employ force to disperse the bands of Mexican outlaws who were with increasing boldness systematically raiding across the international boundary. The marauders engaged in the attack on Columbus were driven back across the border by American cavalry, and subsequently, as soon as a sufficient force to cope with the band could be collected, were pursued into Mexico in an effort to capture or destroy them. Without co-operation or assistance in the field on the part of the *de facto* Government, despite repeated requests by the United States, and without apparent recognition on its part of the desirability of putting an end to these systematic raids, or of punishing the chief perpetrators of the crimes committed, because they menaced the good relations of the two countries, American forces pursued the lawless bands as far as Parral, where the pursuit was halted by the hostility of Mexicans, presumed to be loyal to the *de facto* Government, who arrayed themselves on the side of outlawry and became in effect the protectors of Villa and his band.

In this manner and for these reasons have the American forces entered Mexican territory. Knowing fully the circumstances set forth the *de facto* Government cannot be blind to the necessity which compelled this Government to act and yet it has seen fit to recite groundless sentiments of hostility toward the expedition and to impute to this Government ulterior motives for the continued presence of American troops on Mexican soil. It is charged that these troops crossed the frontier without first obtaining the consent or permission of the *de facto* Government. Obviously, as immediate action alone could avail, there was no opportunity to reach an agreement (other than that of March 10th-13th now repudiated by General Carranza) prior to the entrance of such an expedition into Mexico if the expedition was to be effective. Subsequent events and correspondence have demonstrated to the satisfaction of this Government that General Carranza would not have entered into any agreement providing for an effective plan for the capture and

Digitized by Google

destruction of the Villa bands. While the American troops were moving rapidly southward in pursuit of the raiders, it was the form and nature of the agreement that occupied the attention of General Carranza rather than the practical object which it was to attain—the number of limitations that could be imposed upon the American forces to impede their progress rather than the obstacles that could be raised to prevent the escape of the outlaws. It was General Carranza who suspended through your note of April 12th all discussions and negotiations for an agreement along the lines of the Protocols between the United States and Mexico concluded during the period 1882–1896, under which the two countries had so successfully restored peaceful conditions on their common boundary. It may be mentioned here that, notwithstanding the statement in your note that "the American Government gave no answer to the note of the 12th of April," this note was replied to on April 14th, when the Department instructed Mr. Rodgers by telegraph to deliver this Government's answer to General Carranza. Shortly after this reply the conferences between Generals Scott, Funston and Obregon began at El Paso, during which they signed on May 2d a project of a memorandum *ad referendum* regarding the withdrawal of American troops. As an indication of the alleged bad faith of the American Government, you state that though General Scott declared in this memorandum that the destruction and dispersion of the Villa band "had been accomplished," yet American forces are not withdrawn from Mexico. It is only necessary to read the memorandum, which is in the English language, to ascertain that this is clearly a misstatement, for the memorandum states that "the American punitive expeditionary forces have destroyed or dispersed many of the lawless elements and bandits, * * * or have driven them far into the interior of the Republic of Mexico," and further, that the United States forces were then "carrying on a vigorous pursuit of such small numbers of bandits or lawless elements as may have escaped." The context of your note gives the impression that the object of the expedition

Digitized by Google

being admittedly accomplished, the United States had agreed in the memorandum to begin the withdrawal of its troops. The memorandum shows, however, that it was not alone on account of partial dispersion of the bandits that it was decided to begin the withdrawal of American forces, but equally on account of the assurances of the Mexican Government that their forces were "at the present time being augmented and strengthened to such an extent that they will be able to prevent any disorders occurring in Mexico that would in any way endanger American territory," and that they would "continue to diligently pursue, capture or destroy any lawless bands of bandits that may still exist or hereafter exist in the northern part of Mexico," and that it would "make a proper distribution of such of its forces as may be necessary to prevent the possibility of invasion of American territory from Mexico." It was because of these assurances and because of General Scott's confidence that they would be carried out that he stated in the memorandum that the American forces would be "*gradually* withdrawn." It is to be noted that, while the American Government was willing to ratify this agreement, General Carranza refused to do so, as General Obregon stated, because, among other things, it imposed improper conditions upon the Mexican Government.

Notwithstanding the assurances in the memorandum, it is well known that the forces of the *de facto* Government have not carried on a vigorous pursuit of the remaining bandits and that no proper distribution of forces to prevent the invasion of American territory has been made, as will be shown by the further facts hereinafter set forth. I am reluctant to be forced to the conclusion which might be drawn from these circumstances that the *de facto* Government, in spite of the crimes committed and the sinister designs of Villa and his followers, did not and does not now intend or desire that these outlaws should be captured, destroyed, or dispersed by American troops or, at the request of this Government, by Mexican troops.

Digitized by Google

While the conferences at El Paso were in progress, and after the American conferees had been assured on May 2d that the Mexican forces in the northern part of the Republic were then being augmented so as to be able to prevent any disorders that would endanger American territory, a band of Mexicans, on the night of May 5th, made an attack at Glenn Springs, Texas, about twenty miles north of the border, killing American soldiers and civilians, burning and sacking property and carrying off two Americans as prisoners. Subsequent to this event, the Mexican Government, as you state, "gave instructions to General Obregon to notify that of the United States that it would not permit the further passage of American troops into Mexico on this account, and that orders had been given to all military commanders along the frontier not to consent to same." This Government is of course not in a position to dispute the statement that these instructions had been given to General Obregon, but it can decisively assert that General Obregon never gave any such notification to General Scott or General Funston or, so far as known, to any other American official. General Obregon did, however, inquire as to whether American troops had entered Mexico in pursuit of the Glenn Springs raiders, and General Funston stated that no orders had been issued to American troops to cross the frontier on account of the raid, but this statement was made before any such orders had been issued, and not afterwards, as the erroneous account of the interview given in your note would appear to indicate. Moreover, no statement was made by the American Generals that "no more American troops would cross into our territory." On the contrary, it was pointed out to General Obregon and to Mr. Juan Amador, who was present at the conference, and pointed out with emphasis, that the bandits de la Rosa and Pedro Vino, who had been instrumental in causing the invasion of Texas above Brownsville, were even then reported to be arranging in the neighborhood of Victoria for another raid across the border, and it was made clear to General Obregon that if the Mexican Government did not take

Digitized by Google

immediate steps to prevent another invasion of the United States by these marauders, who were frequently seen in the company of General Nafarrete, the Constitutionalist commander, Mexico would find in Tamaulipas another punitive expedition similar to that then in Chihuahua. American troops crossed into Mexico on May 10th, upon notification to the local military authorities, under the repudiated agreement of March 10–13th, or in any event in accordance with the practice adopted over forty years ago, when there was no agreement regarding pursuit of marauders across the international boundary. These troops penetrated 168 miles into Mexican territory in pursuit of the Glenn Springs marauders without encountering a detachment of Mexican troops or a single Mexican soldier. Further discussion of this raid, however, is not necessary, because the American forces sent in pursuit of the bandits recrossed into Texas on the morning of May 22d, the date of your note under consideration—a further proof of the singleness of purpose of this Government in endeavoring to quell disorder and stamp out lawlessness along the border.

During the continuance of the El Paso conferences, General Scott you assert, did not take into consideration the plan proposed by the Mexican Government for the protection of the frontier by the reciprocal distribution of troops along the boundary. This proposition was made by General Obregon a number of times, but each time conditioned upon the immediate withdrawal of American troops, and the Mexican conferees were invariably informed that *immediate* withdrawal could not take place, and that therefore it was impossible to discuss the project on that basis.

I have noted the fact that your communication is not limited to a discussion of the deplorable conditions existing along the border and their important bearing on the peaceful relations of our Governments, but that an effort is made to connect it with other circumstances in order to support, if possible, a mistaken interpretation of the attitude of the Government of the United States toward Mexico. You state in effect that the American Govern-

Digitized by Google

ment has placed every obstacle in the way of attaining the pacification of Mexico, and that this is shown by the volume of diplomatic representations in behalf of American interests which constantly impede efforts to reorganize the political, economical, and social conditions of the country; by the decided aid lent at one time to Villa by American officers and by the Department of State; by the aid extended by the American Catholic clergy to that of Mexico; by the constant activity of the American press in favor of intervention and the interests of American business men; by the shelter and supply of rebels and conspirators on American territory; by the detention of shipments of arms and munitions purchased by the Mexican Government; and by the detention of machinery intended for their manufacture.

In reply to this sweeping charge, I can truthfully affirm that the American Government has given every possible encouragement to the *de facto* Government in the pacification and rehabilitation of Mexico. From the moment of its recognition, it has had the undivided support of this Government. An embargo was placed upon arms and ammunition going into Chihuahua, Sonora, and Lower California, in order to prevent their falling into the hands of the armed opponents of the *de facto* Government. Permission has been granted from time to time, as requested, for Mexican troops and equipment to traverse American territory from one point to another in Mexico in order that the operations of Mexican troops against Villa and his forces might be facilitated. In view of these friendly acts, I am surprised that the *de facto* Government has construed diplomatic representations in regard to the unjust treatment accorded American interests, private assistance to opponents to the *de facto* Government by sympathizers in a foreign country, and the activity of a foreign press as interference by the United States Government in the domestic politics of Mexico. If a denial is needed that this Government has had ulterior and improper motives in its diplomatic representations, or has countenanced the activities of American sympathizers and the American press opposed to

Digitized by Google

the *de facto* Government, I am glad most emphatically to deny it. It is, however, a matter of common knowledge that the Mexican press has been more active than the press in the United States in endeavoring to inflame the two peoples against each other and to force the two countries into hostilities. With the power of censorship of the Mexican press, so rigorously exercised by the *de facto* Government, the responsibility for this activity cannot, it would seem, be avoided by that Government, and the issue of the appeal of General Carranza himself in the press of March 12th, calling upon the Mexican people to be prepared for any emergency which might arise, and intimating that war with the United States was imminent, evidences the attitude of the *de facto* Government toward these publications. It should not be a matter of surprise that, after such manifestations of hostile feeling, the United States was doubtful of the purpose for which the large amount of ammunition was to be used which the *de facto* Government appeared eager to import from this country. Moreover, the policy of the *de facto* Government in refusing to co-operate and in failing to act independently in destroying the Villa bandits and in otherwise suppressing outlawry in the vicinity of the border so as to remove the danger of war materials, while passing southward through this zone, falling into the hands of the enemies of law and order is, in the opinion of this Government, a sufficient ground, even if there were no other, for the refusal to allow such materials to cross the boundary into the bandit-infested region. To have permitted these shipments without careful scrutiny would, in the circumstances, have been to manifest a sense of security which would have been unjustified.

Candor compels me to add that the unconcealed hostility of the subordinate military commanders of the *de facto* Government toward the American troops engaged in pursuing the Villa bands and the efforts of the *de facto* Government to compel their withdrawal from Mexican territory by threats and show of military force instead of by aiding in the capture of the outlaws con-

Digitized by Google

stitute a menace to the safety of the American troops and to the peace of the border. As long as this menace continues and there is any evidence of an intention on the part of the *de facto* Government or its military commanders to use force against the American troops instead of co-operating with them, the Government of the United States will not permit munitions of war or machinery for their manufacture to be exported from this country to Mexico.

As to the shelter and supply of rebels and conspirators on American territory, I can state that vigorous efforts have been and are being made by the agents of the United States to apprehend and bring to justice all persons found to be conspiring to violate the laws of the United States by organizing to oppose with arms the *de facto* Government of Mexico. Political refugees have undoubtedly sought asylum in the United States, but this Government has vigilantly kept them under surveillance and has not hesitated to apprehend them upon proof of their criminal intentions, as the arrest of General Huerta and others fully attests.

Having corrected the erroneous statements of fact to which I have adverted, the real situation stands forth in its true light. It is admitted that American troops have crossed the international boundary in hot pursuit of the Columbus raiders and without notice to or the consent of your Government but the several protestations on the part of this Government by the President, by this Department, and by other American authorities, that the object of the expedition was to capture, destroy, or completely disperse the Villa bands of outlaws or to turn this duty over to the Mexican authorities when assured that it would be effectively fulfilled, have been carried out in perfect good faith by the United States. Its efforts, however, have been obstructed at every point; first, by insistence on a palpably useless agreement which you admit was either not to apply to the present expedition or was to contain impracticable restrictions on its organization and operation; then by actual opposition, encouraged and fostered by the *de facto* Government, to

Digitized by Google

the further advance of the expedition into Villa territory, which was followed by the sudden suspension of all negotiations for an arrangement for the pursuit of Villa and his followers and the protection of the frontier; and finally by a demand for the immediate withdrawal of the American troops. Meantime, conditions of anarchy in the border States of Mexico were continually growing worse. Incursions into American territory were plotted and perpetrated; the Glenn Springs raid was successfully executed, while no effective efforts were being made by General Carranza to improve the conditions and to protect American territory from constant threat of invasion. In view of this increasing menace, of the inactivity of the Carranza forces, of the lack of co-operation in the apprehension of the Villa bands, and of the known encouragement and aid given to bandit leaders, it is unreasonable to expect the United States to withdraw its forces from Mexican territory or to prevent their entry again when their presence is the only check upon further bandit outrages and the only efficient means of protecting American lives and homes—safeguards which General Carranza, though internationally obligated to supply, is manifestly unable or unwilling to give.

In view of the actual state of affairs as I have outlined it above, I am now in a position to consider the conclusions which you have drawn in your note under acknowledgment from the erroneous statements of fact which you have set forth.

Your Government intimates, if it does not openly charge, that the attitude of the United States is one of insincerity, distrust, and suspicion toward the *de facto* Government of Mexico, and that the intention of the United States in sending its troops into Mexico is to extend its sovereignty over Mexican territory, and not merely for the purpose of pursuing marauders and preventing future raids across the border. The *de facto* Government charges by implication which admits of but one interpretation, that this Government has as its object territorial aggrandizement even at the expense of a war of aggression against a neighbor weakened by years of

Digitized by Google

civil strife. The Government of the United States, if it had had designs upon the territory of Mexico, would have had no difficulty in finding during this period of revolution and disorder many plausible arguments for intervention in Mexican affairs. Hoping, however, that the people of Mexico would through their own efforts restore peace and establish an orderly government, the United States has awaited with patience the consummation of the revolution.

When the superiority of the revolutionary faction led by General Carranza became undoubted, the United States, after conferring with six others of the American Republics, recognized unconditionally the present *de facto* Government. It hoped and expected that that Government would speedily restore order and provide the Mexican people and others, who had given their energy and substance to the development of the great resources of the Republic, opportunity to rebuild in peace and security their shattered fortunes.

This Government has waited month after month for the consummation of its hope and expectation. In spite of increasing discouragements, in spite of repeated provocations to exercise force in the restoration of order in the northern regions of Mexico, where American interests have suffered most seriously from lawlessness, the Government of the United States has refrained from aggressive action and sought by appeals and moderate though explicit demands to impress upon the *de facto* Government the seriousness of the situation and to arouse it to its duty to perform its international obligations toward citizens of the United States who had entered the territory of Mexico or had vested interests within its boundaries.

In the face of constantly renewed evidences of the patience and restraint of this Government in circumstances which only a government imbued with unselfishness and a sincere desire to respect to the full the sovereign rights and national dignity of the Mexican people would have endured, doubts and suspicions as to the motives of the Government of the United States are

Digitized by Google

expressed in your communication of May 22d, for which I can imagine no purpose but to impugn the good faith of this Government for I find it hard to believe that such imputations are not universally known to be without the least shadow of justification in fact.

Can the *de facto* Government doubt that, if the United States had turned covetous eyes on Mexican territory, it could have found many pretexts in the past for the gratification of its desire? Can that Government doubt that months ago, when the war between the revolutionary factions was in progress, a much better opportunity than the present was afforded for American intervention, if such has been the purpose of the United States as the *de facto* Government now insinuates? What motive could this Government have had in refraining from taking advantage of such opportunities other than unselfish friendship for the Mexican Republic? I have of course given consideration to your argument that the responsibility for the present situation rests largely upon this Government. In the first place, you state that even the American forces along the border whose attention is undivided by other military operations, "Find themselves physically unable to protect effectively the frontier on the American side." Obviously, if there is no means of reaching bands roving on Mexican territory and making sudden dashes at night into American territory it is impossible to prevent such invasions unless the frontier is protected by a cordon of troops. No government could be expected to maintain a force of this strength along the boundary of a nation with which it is at peace for the purpose of resisting the onslaughts of a few bands of lawless men, especially when the neighboring state makes no effort to prevent these attacks. The most effective method of preventing raids of this nature, as past experience has fully demonstrated, is to visit punishment or destruction on the raiders. It is precisely this plan which the United States desires to follow along the border without any intention of infringing upon the sovereign rights of her neighbor, but which, although ob-

Digitized by Google

viously advantageous to the *de facto* Government, it refuses to allow or even countenance. It is in fact protection to American lives and property about which the United States is solicitous and not the methods or ways in which that protection shall be accomplished. If the Mexican Government is unwilling or unable to give this protection by preventing its territory from being the rendezvous and refuge of murderers and plunderers, that does not relieve this Government from its duty to take all the steps necessary to safeguard American citizens on American soil. The United States Government can not and will not allow bands of lawless men to establish themselves upon its borders with liberty to invade and plunder American territory with impunity and, when pursued, to seek safety across the Rio Grande, relying upon the plea of their Government that the integrity of the soil of the Mexican Republic must not be violated.

The Mexican Government further protests that it has "made every effort on its part to protect the frontier" and that it is doing "all possible to avoid a recurrence of such acts." Attention is again invited to the well-known and unrestricted activity of de la Rosa, Ancieto Piscano Pedro Vinos and others in connection with border raids and to the fact that, as I am advised, up to June 4th de la Rosa was still collecting troops at Monterey for the openly avowed purpose of making attacks on Texan border towns and that Pedro Vino was recruiting at other places for the same avowed purpose. I have already pointed out the uninterrupted progress of Villa to and from Columbus, and the fact that the American forces in pursuit of the Glenn Springs marauders penetrated 168 miles into Mexican territory without encountering a single Carrancista soldier. This does not indicate that the Mexican Government is doing "all possible" to avoid further raids; and if it is doing "all possible," this is not sufficient to prevent border raids, and there is every reason, therefore, why this Government must take such preventive measures as it deems sufficient.

It is suggested that injuries suffered on account of bandit raids are a matter of "pecuniary reparation" but

Digitized by Google

"never the cause for American forces to invade Mexican soil." The precedents which have been established and maintained by the Government of the Mexican Republic for the last half century do not bear out this statement. It has grown to be almost a custom not to settle depredations of bandits by payments of money alone, but to quell such disorders and to prevent such crimes by swift and sure punishment.

The *de facto* Government finally argues that "if the frontier were duly protected from incursions from Mexico there would be no reason for the existing difficulty"; thus the *de facto* Government attempts to absolve itself from the first duty of any Government, namely, the protection of life and property. This is the paramount obligation for which governments are instituted, and governments neglecting or failing to perform it are not worthy of the name. This is the duty for which General Carranza, it must be assumed, initiated his revolution in Mexico and organized the present Government and for which the United States Government recognized his government as the *de facto* Government of Mexico. Protection of American lives and property, then, in the United States is first the obligation of this Government, and in Mexico is, first, the obligation of Mexico, and second, the obligation of the United States. In securing this protection along the common boundary the United States has a right to expect the cooperation of its neighboring Republic; and yet, instead of taking steps to check or punish the raiders, the *de facto* Government demurs and objects to measures taken by the United States. The Government of the United States does not wish to believe that the *de facto* Government approves these marauding attacks, yet as they continue to be made, they show that the Mexican Government is unable to repress them. This inability, as this Government has had occasion in the past to say, may excuse the failure to check the outrages complained of, but it only makes stronger the duty of the United States to prevent them, for if the Government of Mexico can not protect the lives and property of Americans, exposed to attack from Mexicans,

Digitized by Google

the Government of the United States is in duty bound, so far as it can, to do so.

In conclusion, the Mexican Government invites the United States to support its "assurances of friendship with real and effective acts" which "can be no other than the immediate withdrawal of the American troops." For the reasons I have herein fully set forth, this request of the *de facto* Government can not now be entertained. The United States has not sought the duty which has been forced upon it of pursuing bandits who under fundamental principles of municipal and international law, ought to be pursued and arrested and punished by Mexican authorities. Whenever Mexico will assume and effectively exercise that responsibility the United States, as it has many times before publicly declared, will be glad to have this obligation fulfilled by the *de facto* Government of Mexico. If, on the contrary, the *de facto* Government is pleased to ignore this obligation and to believe that "in case of a refusal to retire these troops there is no further recourse than to defend its territory by an appeal to arms," the Government of the United States would surely be lacking in sincerity and friendship if it did not frankly impress upon the *de facto* Government that the execution of this threat will lead to the gravest consequences. While this Government would deeply regret such a result, it cannot recede from its settled determination to maintain its national rights and to perform its full duty in preventing further invasions of the territory of the United States and in removing the peril which Americans along the international boundary have borne so long with patience and forebearance.

Accept, etc.,

ROBERT LANSING.

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 1248.

PER CAPITA PAYMENTS TO CHOCTAW, CHICKASAW, AND SEMINOLE CITIZENS.

LETTER FROM THE ASSISTANT COMMISSIONER OF INDIAN AFFAIRS TO THE SECRETARY OF THE INTERIOR.

JUNE 29, 1916.—Ordered to be printed.

JUNE 21, 1916.

The SECRETARY OF THE INTERIOR.

SIR: Reference is made herein to a report of June 9, 1916, from the Superintendent for the Five Civilized Tribes concerning the per capita payments authorized by section 19 of the Indian appropriation act of May 18, 1916 (Public, No. 80), to be made to the enrolled members of the Choctaw, Chickasaw, and Seminole Tribes entitled thereto or to their heirs, and to the draft of rules and regulations to govern said payments as recommended by the superintendent.

The superintendent raises the question as to the laws of descent and distribution which should govern the determination of the heirs of enrolled members who died subsequent to the passage of the act and prior to the receipt of their shares in the payments, and he requests instructions as to what law should be followed in determining the heirs entitled to the per capita payments in the cases of deceased enrolled citizens. The laws of the State of Oklahoma made applicable to the descent and distribution or administration of individual estates of deceased Indians of the Five Civilized Tribes do not apply to or govern the distribution of the tribal funds by the department. In this connection your attention is invited to the ruling of the Comptroller of the Treasury as set forth in his opinion of September 29, 1909 (16 Comp. Dec., 184), as to the law governing in the per capita distribution of Seminole Indian funds. The comptroller, after referring to the then recently enacted laws of descent and distribution of the State of Oklahoma, quoted the provision of the agreement with the Seminole Nation contained in the act of Congress of June 2, 1900 (31 Stat. L., 250), to the effect that where a Seminole citizen died after December 31, 1899, the land, money, and other property to which he would have been entitled, if living, should descent to his heirs according to the laws of descend and distribution of the State of Arkansas with, however, certain modifications as provided by the Seminole agreement, and be allotted and distributed to them accordingly.

Digitized by Google

The comptroller held that the provision of the Seminole agreement as contained in the Federal act settled the law as to the distribution of the per capita payments as to all Seminole Indians who should die after December 31, 1899, unless Congress had, by another valid law, changed the law of descent as therein set forth. He said that Congress had passed no such law, and in the enabling act under which Oklahoma was admitted as a State made it plain that no such effect should be given the law of Oklahoma. The comptroller then said:

> It is not readily seen how the admission of the State of Oklahoma or any law it has seen fit to pass as such State relative to the descent and distribution of the property of its people, whether whites or Indians, affects the law as above set out which Congress declared should govern the distribution of the per capita payments in question. No law passed by a State can affect or repeal a law passed by Congress relative to its dealings with its citizens.

By section 22 of the supplemental agreement with the Choctaw and Chickasaw Nations contained in the act of Congress of July 1, 1902 (32 Stat. L., 641), it was provided that—

> If any person whose name appears upon the rolls prepared as herein provided shall have died subsequent to the ratification of this agreement and before receiving his allotment of land, the land to which such person would have been entitled, if living, shall be allotted in his name and together with his proportionate share of other tribal property, descend to his heirs according to the laws of descent and distribution as provided in chapter 49 of Mansfield's Digest of the Statutes of Arkansas.

In view of the above-mentioned ruling of the comptroller, it is evident that where payments are due in cases of deceased enrolled persons the heirs must be determined in accordance with the provisions contained in the agreements with their respective tribes concerning the distribution of tribal funds to heirs of deceased enrolled citizens who died prior to the receipt of their allotment or share of the tribal funds. In reference to the question raised by the superintendent as to whether the Act of Congress of May 18, 1916, authorizing the per capita payments now under consideration segregated and set aside to the enrolled members of the Choctaw, Chickasaw, and Seminole Nations a definite individual share from the respective tribal funds, or as to whether the funds from which the payments are to be made remain tribal until checks in payment of the individual shares are issued, your attention is invited to the rulings mentioned by the superintendent as having been made by the Solicitor for the Department of the Interior. In view of said rulings of October 17, 1914, and April 26, 1915, concerning similar provisions of law, it is evident that the law itself did not segregate said money from the tribal funds but that said segregation was at the time of the actual payment to the individual members entitled thereto, and therefore that where an enrolled member of the tribe died before receiving the payment, whether he died prior to or subsequent to the act, the money due in his case remained a part of the tribal funds until paid to his heirs.

The Solicitor for the Department of the Interior in his opinion of October 17, 1914, concerning the per capita payments to members of the Seminole Nation held that a Seminole citizen was not at his death seized of an estate of inheritance in the undivided tribal property and that the heirs take the property direct and not by way of inheritance. He therefore held that the widow of a deceased Seminole Indian had no dower interest in the distribution of the tribal property made in the case of her deceased husband. It is evident therefore that the enrolled citizens of the above-mentioned tribes who died prior to the

Digitized by Google

payment are not possessed of any share or inherited interest therein, and that the share of the tribal funds to which he would have been entitled had he lived never became a part of his estate and therefore are not subject to administration, dower, or courtesy, nor subject to the probate laws of the State of Oklahoma, but that his heirs as determined in accordance with the above-mentioned provisions of the agreements with the tribes receive their respective interest in the unpaid shares due in the cases of the deceased enrolled citizens direct from the tribe and not as an inheritance from the decedents.

The superintendent also raises the question as to whether in cases of a restricted minor or restricted adult under legal disability where there is a statutory guardian, the payment can be legally made to another person. In this connection, your attention is invited to the ruling of the assistant comptroller contained in his decision of October 18, 1909, concerning certain equalization payments to be made under the act of March 3, 1909 (35 Stat. L., 781–805), of allottees of the Cherokee, Choctaw, and Chickasaw Nations. The assistant comptroller held that where a guardian had been appointed payment should be made to the legally appointed guardian, but that where there was no legal guardian payment to the natural guardian to be determined by the laws and usages of the tribe might be made.

The provision of said act relating to the equalization payments contained, however, no provision as to department supervision of said funds or payments.

In section 19 of the Indian appropriation act of May 18, 1916, providing for the per capita payments, now under consideration, it was provided:

> That in cases where such enrolled members or their heirs are Indians who belong to the restricted class, the Secretary may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians.

In view of this provision of law just quoted, the office is of the opinion that it is within the authority of the Secretary of the Interior in cases of minors of the restricted class and in cases of adults of said class under legal disability to withhold the payments from legal guardians or curators in those cases where such action may be deemed advisable, and that it is within said authority, although legal guardians or curators have been appointed by the courts for such restricted minors or restricted adults under legal disability, to make the payments due in such cases to the father, mother, or other persons having the custody of such restricted Indians or to deposit such money to the credit of said restricted Indians and to use the same for their benefit, the same as other individual Indian moneys.

In cases where Seminole allottees enrolled as of one-half or more Indian blood but of less than three-fourths degree of Indian blood are delinquent in the payment of taxes properly assessed against their surplus land, the office believes that for the protection of such Indians the superintendent for the Five Civilized Tribes should be authorized to ascertain the amount of such delinquent taxes and whether properly assessed, and where found proper, cause the same to be paid out of the individual shares of the Seminole allottees liable therefor.

In view of the above, the office has prepared a draft of regulations to govern the payments of the enrolled members of the Choctaw and

Digitized by Google

Chickasaw Tribes (exclusive of freedmen) or their heirs, and a draft of regulations to govern the payments to the enrolled members of the Seminole Tribe or their heirs, under the provisions contained in section 19 of the act of Congress of May 18, 1916. The provisions as outlined in the office drafts, it is believed, will enable the officers in charge of the payment to better protect the interests of the Indians entitled to share in the payment, and especially restricted minors and restricted adults under legal disabilities.

Your attention is invited to the fact that under the provisions of said regulations, the payments may be made to the restricted adults of such amounts as may be due them in their own right or that, in the discretion of the officer in charge of the payment, the amounts due in such cases may be withheld and placed to the credit of such restricted adults to be disbursed under Government supervision for the benefit of the restricted Indians entitled thereto. Provision is also made for the supervision of the disbursement of the money due in the cases of restricted minors and restricted adults under legal disability.

The office therefore submits its drafts of regulations with recommendation that they be approved. The office further recommends that the per capita payments to be governed by said regulations be made by Mr. W. M. Baker, special disbursing agent for the Superintendent for the Five Civilized Tribes under the supervision of the said superintendent and in accordance with said regulations. Formal authorities for said per capita payments and for certain expenses in connection therewith are transmitted herewith for your signature, said authorities to become effective July 1, 1916.

The office further recommends that the inclosed circular letter drafted by the Superintendent for the Five Civilized Tribes with a view to answering in a general way the inquiries received by him relative to the payments and concerning the determination of heirs be approved.

The superintendent's report and other papers in the matter of said per capita payment are inclosed.

Respectfully,

E. B. MERITT,
Assistant Commissioner.

JUNE 23, 1916.

The recommendations of the Indian Office as above set forth are hereby approved.

BO SWEENEY,
Assistant Secretary.

REGULATIONS GOVERNING PER CAPITA PAYMENTS TO ENROLLED CITIZENS AND MEMBERS OF THE SEMINOLE TRIBE IN THE STATE OF OKLAHOMA.

The following regulations are hereby prescribed under the provisions of section 19 of the Indian appropriation act of May 18, 1916, which reads, in part, as follows:

That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Seminole Tribe of Indians of Oklahoma entitled under existing law to share in the funds of said tribe, or to their lawful heirs, out of any moneys

Digitized by Google

belonging to said tribe in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, $300 per capita: *Provided*, That said payment shall be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided further*, That in cases where such enrolled members or their heirs are Indians who belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members or their heirs as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act. * * *

1. Payments hereunder shall be made under the supervision of the Superintendent for the Five Civilized Tribes or such other officers as may be designated by the Commissioner of Indian Affairs and by such special disbursing agent as the Commissioner of Indian Affairs may designate.

2. The payments shall be based upon the final rolls of the citizens of the Seminole Nation, as approved by the Secretary of the Interior and corrected to date of payment. Such payments shall be in the aggregate sum of $300 per capita to the members of said tribe entitled to participate in the tribal funds of said nation.

3. The term "restricted" as used in these regulations shall be held to apply to members of said tribes enrolled as of one-half or more Indian blood, from whose allotment of land the restrictions as to alienation have not been unconditionally removed as to every part thereof, and the term "unrestricted" shall be held to apply to all others entitled to participate in this payment. The term "minor" or "minors" as used in these regulations shall include all males under the age of 21 years and all females under the age of 18 years.

4. Payments due unrestricted adults, in their own right, shall be made to them by official check to their order, except where they are under legal disability.

5. Payments due unrestricted minors and unrestricted adults under legal disability, in their own right, where such persons have legal guardians or curators, shall be made to said guardians or curators upon satisfactory evidence being furnished the officers in charge of the payment of the appointment, sufficient bond and good standing of said guardians or curators.

6. Upon a showing satisfactory to the officers in charge of the payment that no legal guardian has been appointed for any unrestricted minor to whom a payment is due, in his own right, such payment may be made to the father, mother, or other person having the care and custody of such minor: *Provided*, That in case any male or female is married or in case of an unmarried male over 18 years of age, payment may be made to said person by official check to his or her order, if, in the discretion of the officers in charge of the payment it will be for his or her best interest so to do: *Provided further*, That all applications for a payment due an unrestricted minor, having no legal guardian bear the approval of a United States probate attorney or field clerk, if, in the discretion of the officers in charge of the payment, such approval appears to be for the best interest of such minor. The officer in charge of the payment may, in his discretion, and if he believes it to be for the best interests of such unrestricted minor, decline to pay the money due in such case to any other than a legal guardian, and pending the appointment of such legal guardian by the court

Digitized by Google

having jurisdiction, he may temporarily withhold such payment wholly or in part.

7. Payments due restricted adults in their own right shall be made to them by official check to their order, except where they are under legal disability and except in those cases where, in the discretion of the officer in charge of the payment, the amounts due should be withheld, wholly or in part. The amounts withheld shall be placed to the credit of the individual Indians entitled thereto and shall be disbursed for the benefit of such Indians under supervision, as provided in department regulations concerning the handling of individual Indian money.

8. Amounts due restricted minors and restricted adults under legal disability in their own right shall be placed to their individual credit and shall be disbursed for the benefit of such restricted Indians under supervision, as provided for in department regulations governing the handling of individual Indian money: *Provided, however*, That where such restricted minors or restricted adults under legal disability have legal guardians or curators payment may, in the discretion of the officer in charge of the payment, be made to such legal guardians or curators upon satisfactory evidence being furnished the officer in charge of the payment of the appointment, sufficient bond, and good standing of said guardians or curators, and provided such payment will, in the opinion of the United States probate attorney or field clerk, be for the best interests of such restricted minors or such restricted adults under legal disability.

9. The Superintendent for the Five Civilized Tribes shall ascertain from the proper county records the amounts of all delinquent taxes and penalties properly assessed against surplus lands of each member of the Seminole Tribe who is enrolled as having one-half or more Indian blood and less than three-quarters Indian blood. Upon the determination of the amounts of delinquent taxes and penalties, as above directed, the several amounts due shall be paid by the disbursing agent by official check to the county treasurer of the county in which the land is situated, and the payments so made shall be charged to the distributive shares of the several allottees in the per capita payment due under the above-mentioned act of Congress, and such balances as may be due said allottees, either adult or minor, shall be paid to them or placed to their credit as individual Indian funds in the same manner as provided for in sections 7 and 8 hereof.

10. Where a payment is made to a legal guardian, original letters of guardianship will not be required, but a certificate of the probate court, bearing the approval of a United States probate attorney, showing the person executing the guardian's certificate to be the duly appointed, qualified, and acting guardian of the minor to whom said payment is due, and that he has furnished good and sufficient bond, will be accepted and filed with the account.

11. The act of Congress, above quoted, provides for payments to "lawful heirs" of deceased members, and no payments will be made to administrators or executors; but where payments are due any person or persons as the heir or heirs of a deceased member of said tribe, such payments shall be made to the heirs by official check to their order, or withheld for their benefit, wholly or in part, according to the respective classes to which they belong, subject to the same regu-

Digitized by Google

lations as are prescribed above relative to payments due persons in their own right.

12. Before payment is made to the heirs of any deceased person, proof of death and heirship, satisfactory to the officers in charge of the payment, must be made, and the finding of such officers upon such proof shall be final and conclusive for all purposes of these payments.

13. The heirs of enrolled deceased persons entitled to payments hereunder shall be determined in all cases in accordance with the provisions contained in the agreements with the Seminole Indian Tribe concerning the distribution of tribal funds to the heirs of deceased enrolled citizens who died prior to the receipt of their allotment or share of said tribal funds.

14. All suspended or withheld payments, or parts thereof, shall be held in the Treasury of the United States, subject to proper requisition, or in the hands of the special disbursing agent, or such other officer as the Secretary of the Interior may designate to have the custody of the same, such suspended or withheld payments, wholly or in part, to be disbursed at such times and in such amounts as the best interest of the persons to whom such suspended or withheld payments are due may demand, and in accordance with these regulations.

15. The Superintendent for the Five Civilized Tribes will prepare a schedule showing all persons entitled to share in this per capita distribution, two copies of which schedule shall be forwarded to the Indian Office for use in examining and auditing the accounts of the special disbursing agent, showing claims paid thereunder. It will not be necessary for the special disbursing agent to submit a complete roll of all entitled to share in these payments with his accounts at the end of each quarter. The special disbursing agent will, at the end of each quarter, submit a schedule or voucher, covering only the claims actually paid during the quarter, and will continue said disbursements under these regulations until all claims are paid or until further orders of the department.

16. No arrangement shall be recognized or information furnished in the interest of any merchant, trader, or other creditor, nor shall their representative or collector be allowed in the offices where the payments are being made.

17. Powers of attorney will not be recognized, not will any order given by an Indian to another person for his share of the payment be honored.

18. These payments shall be made by check and forwarded by registered mail to the person entitled to receive the same, and there shall be noted on envelopes containing checks a notice to postmasters requesting delivery only to the party addressed, and return receipt shall be required, except that checks not exceeding the sum of $20 may be forwarded by mail without registering; provided, however, that checks may be delivered in person by probate attorneys or other employees of the Indian Service when deemed advisable by the officers in charge of the payment.

19. All things necessary to making the payments referred to above, not otherwise specifically provided for in these regulations, shall be done under the authority and supervision of the Superintendent for

Digitized by Google

the Five Civilized Tribes, or such other officer as may be designated by the Secretary of the Interior.

20. For the purpose of these payments, these regulations shall be held to supersede all other existing rules and regulations.

E. B. MERITT,
Assistant Commissioner of Indian Affairs.

Approved June 23, 1916.

BO SWEENEY,
Assistant Secretary.

REGULATIONS GOVERNING PER CAPITA PAYMENTS TO ENROLLED CITIZENS AND MEMBERS OF THE CHOCTAW AND CHICKASAW TRIBES OF INDIANS IN THE STATE OF OKLAHOMA.

The following regulations are hereby prescribed under the Indian appropriation act approved May 18, 1916, which reads, in section 19 thereof, in part, as follows:

That the Secretary of the Interior be, and he is hereby, authorized to pay to the enrolled members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma entitled under existing law to share in the funds of said tribes, or to their lawful heirs, out of any moneys belonging to said tribes in the United States Treasury or deposited in any bank or held by any official under the jurisdiction of the Secretary of the Interior, not to exceed $300 per capita in the case of the Choctaws and $200 per capita in the case of the Chickasaws, said payment to be made under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That in cases where such enrolled members, or their heirs, are Indians who by reason of their degree of Indian blood belong to the restricted class, the Secretary of the Interior may, in his discretion, withhold such payments and use the same for the benefit of such restricted Indians: *Provided further*, That the money paid to the enrolled members as provided herein shall be exempt from any lien for attorneys' fees or other debt contracted prior to the passage of this act, except that the Secretary of the Interior is hereby authorized within thirty days after the passage of this act to investigate claims not to exceed $1,950 growing out of contracts alleged to be in existence between John Calvin Gray, William T. Lancaster, Arthur Jennings, and Clyde Jennings, as enrolled members of the Choctaw or Chickasaw Nations, and Henry W. Blair, Kappler and Merillat, James K. Jones, Charles M. Fechheimer, and Eugene Hamilton, as attorneys, and in case such claims are found to be valid and the contracts approved in accordance with the existing law, the said Secretary of the Interior may, in his discretion, apply any amounts that may be found due under this paragraph to the aforesaid enrolled members of the Choctaw or Chickasaw Nations to the payment of such fee, but the amounts due hereunder to other enrolled members of the Choctaw and Chickasaw Nations shall not be held in abeyance to this claim but shall be paid promptly without reference to same.

1. Payments hereunder shall be made under the supervision of the Superintendent for the Five Civilized Tribes or such other officers as may be designated by the Commissioner of Indian Affairs and by such special disbursing agent as the Commissioner of Indian Affairs may designate.

2. The payments shall be based upon the final rolls of the citizens of the Choctaw and Chickasaw Nations as approved by the Secretary of the Interior and corrected to date of payment. Such payments shall be in the aggregate sum of $300 per capita to the members of the Choctaw Tribe, exclusive of freedmen, and $200 per capita to members of the Chickasaw Tribe, exclusive of freedmen. No payment shall be made, however, under these regulations of the amounts due in the cases of John Calvin Gray, William T. Lancaster, Arthur Jennings, and Clyde Jennings, enrolled members of the Choctaw or

Digitized by Google

Chickasaw Nations, as the matter of the settlement of certain attorneys' claims against said named Indians and of the payment of any money due them under the above quoted provisions of law will be the subject of further and special instructions.

3. The term "restricted" as used in these regulations shall be held to apply to members of said tribes enrolled as of one-half or more Indian blood, from whose allotment of land the restrictions as to alienation have not been unconditionally removed as to every part thereof, and the term "unrestricted" shall be held to apply to all others entitled to participate in this payment. The term "minor" or "minors" as used in these regulations shall include all males under the age of 21 years and all females under the age of 18 years.

4. Payments due unrestricted adults, in their own right, shall be made to them by official check to their order, except where they are under legal disability.

5. Payments due unrestricted minors and unrestricted adults under legal disability, in their own right, where such persons have legal guardians or curators, shall be made to said guardians or curators upon satisfactory evidence being furnished the officers in charge of the payment of the appointment, sufficient bond, and good standing of said guardians or curators.

6. Upon a showing satisfactory to the officers in charge of the payment that no legal guardian has been appointed for any unrestricted minor to whom a payment is due, in his own right, such payment may be made to the father, mother, or other person having the care and custody of such minor: *Provided*, That in case any male or female is married or in case of an unmarried male over 18 years of age, payment may be made to said person by official check to his or her order, if, in the discretion of the officers in charge of the payment, it will be for his or her best interest so to do: *Provided further*, That all applications for a payment due an unrestricted minor having no legal guardian bear the approval of a United States probate attorney or field clerk, if, in the discretion of the officers in charge of the payment, such approval appears to be for the best interest of such minor. The officer in charge of the payment may, in his discretion, and if he believes it to be for the best interests of such unrestricted minor, decline to pay the money due in such case to any other than a legal guardian, and pending the appointment of such legal guardian by the court having jurisdiction, he may temporarily withhold such payment wholly or in part.

7. Payments due restricted adults, in their own right, shall be made to them by official check to their order except where they are under legal disability, and except in those cases where, in the discretion of the officer in charge of the payment, the amounts due should be withheld wholly or in part. The amounts withheld shall be placed to the credit of the individual Indians entitled thereto, and shall be disbursed for the benefit of such Indians under supervision as provided in department regulations concerning the handling of individual Indian money.

8. Amounts due restricted minors, and restricted adults under legal disability, in their own right, shall be placed to their individual credit and shall be disbursed for the benefit of such restricted Indians under supervision as provided for in department regulations governing the handling of individual Indian money: *Provided, however*, That where

Digitized by Google

such restricted minors or restricted adults under legal disability have legal guardians or curators payment may, in the discretion of the officer in charge of the payment, be made to such legal guardians or curators upon satisfactory evidence being furnished the officer in charge of the payment of the appointment, sufficient bond, and good standing of said guardians or curators, and provided such payment will, in the opinion of the United States probate attorney or field clerk, be for the best interests of such restricted minors or such restricted adults under legal disability.

9. Where a payment is made to a legal guardian, original letters of guardianship will not be required, but a certificate of the probate court, bearing the approval of a United States probate attorney, showing the person executing the guardian's certificate to be the duly appointed, qualified, and acting guardian of the minor to whom said payment is due, and that he has furnished good and sufficient bond, will be accepted and filed with the account.

10. The act of Congress, above quoted, provides for payments to "lawful heirs" of deceased members, and no payments will be made to administrators or executors; but where payments are due any person or persons as the heir or heirs of a deceased member of any of said tribes, such payments shall be made to the heirs by official check to their order, or withheld for their benefit, wholly or in part, according to the respective classes to which they belong, subject to the same regulations as are prescribed above, relative to payments due persons in their own right.

11. Before payment is made to the heirs of any deceased person, proof of death and heirship, satisfactory to the officers in charge of the payment, must be made, and the finding of such officers upon such proof shall be final and conclusive for all purposes of these payments.

12. The heirs of enrolled deceased persons entitled to payments hereunder shall be determined in all cases in accordance with the provisions contained in the agreements with their respective Indian tribes concerning the distribution of tribal funds to the heirs of deceased enrolled citizens who died prior to the receipt of their allotment or share of said tribal funds.

13. All suspended or withheld payments or parts thereof shall be held in the Treasury of the United States subject to proper requisition or in the hands of the special disbursing agent or such other officer as the Secretary of the Interior may designate to have the custody of the same, such suspended or withheld payments, wholly or in part, to be disbursed at such times and in such amounts as the best interest of the persons to whom such suspended or withheld payments are due may demand and in accordance with these regulations.

14. The superintendent for the Five Civilized Tribes will prepare a schedule showing all persons entitled to share in this per capita distribution, two copies of which schedule shall be forwarded to the Indian Office for use in examining and auditing the accounts of the special disbursing agent, showing claims paid thereunder. It will not be necessary for the special disbursing agent to submit a complete roll of all entitled to share in these payments with his accounts at the end of each quarter. The special disbursing agent will at the end of each quarter submit a schedule or voucher covering only the claims actually paid during the quarter and will continue said disbursements

Digitized by Google

under these regulations until all claims are paid or until further orders of the department.

15. No arrangement shall be recognized or information furnished in the interest of any merchant, trader, or other creditor, nor shall their representative or collector be allowed in the offices where the payments are being made.

16. Powers of attorney will not be recognized, nor will any order given by an Indian to another person for his share of the payment be honored.

17. These payments shall be made by check and forwarded by registered mail to the person entitled to receive the same, and there shall be noted on envelopes containing checks a notice to postmasters requesting delivery only to the party addressed, and return receipt shall be required, except that checks not exceeding the sum of $20 may be forwarded by mail without registering: *Provided, however,* That checks may be delivered in person by probate attorneys or other employees of the Indian Service when deemed advisable by the officers in charge of the payment.

18. All things necessary to making the payments referred to above, not otherwise specifically provided for in these regulations, shall be done under the authority and supervision of the superintendent for the Five Civilized Tribes or such other officer as may be designated by the Secretary of the Interior.

19. For the purpose of these payments these regulations shall be held to supersede all other existing rules and regulations.

E. B. MERITT,
Assistant Commissioner of Indian Affairs.

Approved June 23, 1916.

BO SWEENEY,
Assistant Secretary.

O

Digitized by Google

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 1261.

PROPOSED AMENDMENT TO SECTION 245, CRIMINAL CODE.

LETTER

FROM

THE ATTORNEY GENERAL,

TRANSMITTING

COPY OF A LETTER FROM THE UNITED STATES ATTORNEY AT NEW YORK CITY, CALLING ATTENTION TO THE NEED OF AN AMENDMENT TO SECTION 245 OF THE CRIMINAL CODE OF THE UNITED STATES, AND SUBMITTING A TENTATIVE DRAFT OF SUCH AMENDMENT.

JUNE 30, 1916.—Referred to the Committee on the Judiciary and ordered to be printed.

DEPARTMENT OF JUSTICE,
OFFICE OF THE ATTORNEY GENERAL,
Washington, D. C., June 28, 1916.

Hon. CHAMP CLARK,
Speaker of the House of Representatives, Washington, D. C.

MY DEAR MR. CONGRESSMAN: I have the honor to transmit herewith a copy of a letter and its inclosures received from the United States attorney at New York City, calling attention to the need for an amendment of section 245 of the Criminal Code of the United States. A draft of the proposed amendment is inclosed. Will you kindly have the matter placed in line for enactment into law?

Respectfully,

T. W. GREGORY,
Attorney General.

DEPARTMENT OF JUSTICE,
UNITED STATES ATTORNEY'S OFFICE,
New York, June 24, 1916.

The ATTORNEY GENERAL,
Washington, D. C.

SIR: In a case recently prosecuted in this district under section 245 of the United States Criminal Code, prohibiting the shipment of obscene matter by common carriers, it was held that this section was not sufficiently broad to apply to obscene and indecent

Digitized by Google

bisque figures that had been sent through interstate commerce by express. Section 211 of the code covers the same subject matter so far as the mails are concerned, but is broader in that it contains the additional words "any thing or article of indecent character." I believe section 245 was intended to cover such articles, and I accordingly recommend that this matter be brought to the attention of Congress with a view to amending the section so as to cover such cases as the one instituted here.

I inclose draft of an amendment which I believe covers the situation. The new matter is indicated by italics.

Respectfully,

H. SNOWDEN MARSHALL,
United States Attorney.

A BILL To amend chapter nine, section two hundred and forty-five, of the Criminal Code.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter nine, section two hundred and forty-five, of the Criminal Code be amended to read as follows:

"Whoever shall bring or cause to be brought into the United States or any place subject to the jurisdiction thereof, from any foreign country, or shall therein knowingly deposit or cause to be deposited with any express company or other common carrier, for carriage from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, to any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any place in or subject to the jurisdiction of the United States through a foreign country to any place in or subject to the jurisdiction thereof, or from any place in or subject to the jurisdiction of the United States to a foreign country, any obscene, lewd, or lascivious, or any filthy book, pamphlet, picture, paper, letter, writing, print, *image*, *statue*, *figure*, *emblem*, *symbol*, or *any* other matter, *thing*, *or article* of indecent character, or any drug, medicine, article, or thing designed, adapted, or intended for preventing conception, or producing abortion, or for any indecent or immoral use, or any written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, how, or of whom, or by what means any of the hereinbefore-mentioned articles, matters, or things may be obtained or made; or whoever shall knowingly take or cause to be taken from such express company or other common carrier any matter or thing the depositing of which for carriage is herein made unlawful, shall be fined not more than $5,000, or imprisoned not more than five years, or both."

O

Digitized by Google

64TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT No. 1307

ELEVENTH ANNUAL REPORT OF THE AMERICAN NATIONAL RED CROSS FOR THE YEAR 1915

LETTER

FROM

THE SECRETARY OF WAR

TRANSMITTING

ELEVENTH ANNUAL REPORT OF THE AMERICAN NATIONAL RED CROSS, MADE PURSUANT TO THE PROVISIONS OF THE ACT OF CONGRESS APPROVED JANUARY 5, 1905, ENTITLED "AN ACT TO INCORPORATE THE AMERICAN NATIONAL RED CROSS"

JULY 27, 1916.—Referred to the Committee on Military Affairs and ordered to be printed

WASHINGTON
GOVERNMENT PRINTING OFFICE
1916

Digitized by Google

Digitized by Google

LETTER OF TRANSMITTAL.

WAR DEPARTMENT,
Washington, July 22, 1916.

SIR: I have the honor to transmit herewith the eleventh annual report of the American National Red Cross, made pursuant to the provision of the act of Congress approved January 5, 1905 (33 Stats., 599), entitled "An act to incorporate the American National Red Cross."

The treasurer's report of receipts and expenditures for the period from January 1, 1915, to December 31, 1915, is forwarded without audit, it being impracticable to complete the audit prior to the adjournment of the present session of Congress, owing to the great amount of clerical labor involved and to the fact that the vouchers and documents pertaining to the report have only recently been received by the department.

The result of the audit will be communicated to Congress at a later date.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Digitized by Google

Digitized by Google

ELEVENTH ANNUAL REPORT OF THE AMERICAN NATIONAL RED CROSS FOR THE YEAR 1915.

REPORT OF THE CENTRAL COMMITTEE JANUARY 1, 1916.

(By Maj. Gen. ARTHUR MURRAY, United States Army (retired), acting chairman.)

The eleventh year of the operation of the American Red Cross under its present charter has been one of almost unprecedented activity. Its efforts to ameliorate human suffering have extended to some 16 foreign nations. These relief operations were principally a continuation of those of last year in the warring nations of Europe and the Republic of Mexico.

In the United States the greatest disaster of the year occurred on July 24 when the excursion steamer *Eastland* capsized at her wharf in Chicago, resulting in the death of upward of a thousand people. This and other fields of relief will be referred to later in this report under appropriate titles.

The constant growth of the work of this association has greatly taxed the national headquarters, both as to office space and personnel. To meet the requirements, improved organization and a moderate increase in clerical force and equipment have been necessary. These have been provided at a minimum of expense.

REVISION OF BY-LAWS.

With a view to greater efficiency in administration a revised set of by-laws was prepared by the central committee and adopted by the general board at its annual meeting on December 8, 1915. These new by-laws provide for the division of the relief operations of the Red Cross into two distinct departments, to-wit, the department of military relief and the department of civilian relief, each under a director general. The office of national director was abolished, and that of vice chairman of the central committee created. The war relief board, the national relief board, and the international relief board were made advisory instead of executive boards.

The special reports of bureau chiefs, which accompany this report, describe in considerable detail the operations of the Red Cross during the past year, and it will therefore be the purpose of the chairman to mention only briefly the more important activities.

RELIEF OPERATIONS.

THE EUROPEAN WAR.

First in importance among the relief operations are those incident to the European war. The details of these operations will be found in the reports of the bureau of medical service, the bureau of nursing service, and the treasurer.

Digitized by Google

RELIEF IN MEXICO.

President Wilson, as president of the American Red Cross, on May 28 issued an appeal to the American people in behalf of the suffering and destitute in many parts of Mexico. A general plan for relief of the northern part of Mexico was instituted with the assistance of the War Department. This plan contemplated the assembling of relief supplies at all railroad points of entry into Mexico from Brownsville, Tex., to the Pacific coast. A special agent of the Red Cross was appointed who distributed supplies from Eagle Pass as far south as Monclova. United States consular officers also rendered assistance, particularly at Monterey, Laredo, and Eagle Pass.

On June 30 the director of the Pacific division of the American Red Cross arrived at Mexico City, where, in cooperation with the Brazilian minister, the consul general, and local relief agencies, he conducted relief operations as effectively as available funds and supplies and local conditions would permit.

On October 21, after recognition by the United States of the Carranza government, the director of the Pacific division was recalled from Mexico City, and the special agent at Eagle Pass closed up his work.

During the year the American Red Cross received in contributions for relief in Mexico $69,107.12. At the present time monthly contributions of $1,200 are being made for the relief of destitute Americans in Mexico City, the funds being disbursed by a representative of the State Department.

EARTHQUAKE IN ITALY.

A severe earthquake occurred on January 13, 1915, in the Abruzzi district of Italy, virtually destroying Avezzano and numerous other cities and towns, killing and injuring probably some 30,000 people, and causing a great deal of destitution and suffering. Immediately upon learning of this disaster the American Red Cross made public announcement of its willingness to receive and transmit contributions for relief. A few days later, however, official word was received from Ambassador Page that the Italian Government would decline all outside assistance. A few hundred dollars had been received by the Red Cross and the donors were invited to express their wish regarding the disposition of their donations. A few requested that their donations be returned, and many requested the Red Cross to apply their gifts in any field of relief where the need seemed greatest. A little later information was received from the American Embassy that an opportunity had presented itself for the effective use of some funds. The remaining balance of contributions was forwarded to the embassy.

FIRE IN COLON.

The fire of April 30 destroyed 430 buildings in an area covering 22 blocks, or about one-third of the city of Colon. Though there were only a few killed and seriously injured, about 7,500 people were rendered homeless, losing at the same time nearly all of their personal property. The Canal Zone Chapter of the American Red Cross displayed both zeal and efficiency in relief work. The national headquarters, upon learning of the disaster, inquired of the chapter by

Digitized by Google

telegraph as to its needs. The reply promptly came back that, despite the great destruction and the wide extent of the fire, they would not require assistance from the National Red Cross.

STORM IN AMERICAN SAMOA.

In May of this year, four months after the typhoon of January 10, conditions among the 2,100 inhabitants of Tutuila, Samoa, were reported to the Navy Department by the governor as almost as distressing as they were immediately after the storm. The American Red Cross appropriated $2,000 from the contingent relief fund to be expended under the direction of the Secretary of the Navy in the relief of suffering.

FLOODS IN CHINA.

In July a report was received through the State Department from the American consul general, Canton, China, of disastrous floods in Quang Tung and Quang Si Provinces. The consul general appealed to the Red Cross for money with which to purchase medicines for the flood sufferers, and a thousand dollars was appropriated by the executive committee from the contingent relief fund.

STORM ON THE ISLAND OF ROTA.

The Secretary of the Navy having received reports of famine on the island of Rota, as the result of a storm of almost unprecedented severity, inquired if assistance could be rendered by the Red Cross. Five hundred dollars were appropriated on July 31, and placed in the hands of the Secretary of the Navy for expenditure.

STORM IN TEXAS.

An appeal for funds for relief of the storm sufferers in the South Houston district of Texas reached the Red Cross in September, and $1,000 were appropriated and sent to Gov. Ferguson as president of the Texas Red Cross State board.

THE EASTLAND DISASTER.

On the morning of July 24 the excursion steamer *Eastland* lay at her dock in the Chicago River taking on passengers, the occasion being the annual picnic of the Hawthorne Club of the Western Electric Co. By 7 o'clock the full complement of passengers was aboard, and the Government inspectors ordered the captain to refuse to permit any additional excursionists to go aboard. At that time about 2,500 people crowded the vessel. A tug had come alongside and attached a hawser for the purpose of towing the ship into the stream. It was noticed that the steamer was listing, which caused some comment among the passengers. The *Eastland* was a water-ballast ship, and the ballast compartments had been emptied. The listing was caused by the crowding of the passengers upon the decks, while the keel lacked the weight which should have been provided by full ballast tanks. Observing the listing the engineers of the boat undertook to fill the ballast tanks, but gradually the boat rolled away from the dock, which permitted water to pour into the lowest portholes and through the open gangway on the lower deck. The passengers, unable to maintain their places, slid toward the rail on

Digitized by Google

the low side. Then the combined weight of passengers and inflowing water caused the vessel to roll over on her side. The passengers on the upper deck were thrown into the river, while those below found themselves trapped and unable to escape. Despite prompt and heroic attempts to rescue the drowning people nearly a thousand lives were lost. A fund of $372,000 for the relief of the families and dependents of these unfortunates was soon collected and the Chicago Chapter of the Red Cross was recognized as the logical organization to administer the funds. The chapter received the most cordial and valuable cooperation of other organizations and the officials and people of Chicago.

SUFFERING IN HAITI.

Early in September the Secretary of the Navy brought to the attention of the American Red Cross an appeal from Admiral W. B. Caperton, United States Navy, commanding the cruiser squadron of the Atlantic Fleet, for funds with which to relieve some of the sickness and privation existing at Port au Prince and at other points in Haiti. The Red Cross made a first appropriation of $1,000 from the contingent relief fund, and later $500 additional to be expended in the discretion of Admiral Caperton.

NEWPORT (ARK.) FLOOD.

On August 28 information was received by national headquarters of a comparatively disastrous flood along the White River in Arkansas. The acting chairman of the central committee communicated by telegraph with the governor of Arkansas, as president of the Red Cross State board, issued an appeal to the citizens of that State for contributions of food, clothing, and money for the relief of the homeless and the destitute. An appropriation of $2,000 was made from the contingent relief fund of the Red Cross and telegraphed to the Newport (Ark.) flood-relief committee. Contributions in the State amounted to about $12,000, which was sufficient to meet the urgent needs.

MEMORIAL TO THE WOMEN OF THE CIVIL WAR.

The construction of this magnificent building, which is to be the permanent home of the American Red Cross, is progressing satisfactorily. On March 27 last the corner stone was laid in the presence of a large and patriotic assembly, President Wilson officiating. This ceremony, conducted with impressive solemnity, marked an important event in the history of the Red Cross, and indeed of the whole country.

RED CROSS CHRISTMAS SEALS.

The sale of Red Cross Christmas seals for the support of anti-tuberculosis work throughout the country this year eclipsed all previous records. Over 75,000,000, or $750,000 worth, of these little stickers were sold.

THE RED CROSS MAGAZINE.

This publication has been issued during the year 1915 as a monthly magazine, and has been given most gratifying recognition by the press and public. The circulation has increased during the year

Digitized by Google

from 20,000 to 30,000 copies. It is believed that the improved character of the magazine will be an important factor in building up a large Red Cross membership.

THE ENDOWMENT FUND AND OTHER FINANCES.

There has been no material increase of the endowment fund during the year.

PROTECTION OF THE RED CROSS INSIGNIA.

Acting under authority of section 4 of the act of Congress of January 5, 1905, the Department of Justice has, upon the recommendation of the Red Cross, taken action against many business houses, organizations, and individuals who were illegally using the Red Cross emblem or the words "Red Cross." There were a few prosecutions and convictions. A large majority of offenders, however, gave convincing evidence that their use of the emblem was in entire ignorance of the prohibiting statute and immediate discontinuance of the offenses was obtained.

Appended hereto are the following reports:

1. Report of the bureau of medical service.
2. Report of the bureau of nursing service.
3. Report of the bureau of town and country nursing service.
4. Report of the treasurer.
5. Report of the trustees of the endowment fund.

REPORT OF THE BUREAU OF MEDICAL SERVICE.

By Maj. ROBERT U. PATTERSON, Medical Corps, United States Army, Chief of Bureau.

Much has been accomplished by the bureau of medical service during the past year, and there has only been a slight reduction in its activities since October 1, when the appointed time arrived for the withdrawal of the majority of our hospital units from European relief service.

In the report read at the annual meeting, December 9, 1914, an account was given of the organization and departure for Europe of 13 hospital units, 10 of which sailed on the steamship *Red Cross* September 13, 1914, 1 on the steamship *Ioannina*, of the National Greek Line, September 7, 1914, and 2 on the steamship *Finland*, of the White Star Line, November 21, 1914, and the place of assignment to duty of each unit.

As the spring of 1915 advanced it became more and more evident that the amount of funds and other donations being made to the American Red Cross was steadily decreasing. This was undoubtedly due to the great demand made on the people of the United States in their endeavor to relieve distressed conditions in Europe. The funds donated to the American Red Cross were being used to pay the salaries, travel, and other incidental expenses of our hospital personnel in Europe and to purchase medical, surgical, and other hospital supplies to forward as donations to the Red Cross societies of the various belligerent governments. It therefore became necessary to

Digitized by Google

curtail expenses if any personnel was to be maintained for the succeeding year. It was felt that as the war had been in progress for nearly a year the sanitary services of the various belligerent countries, as far as personnel was concerned, should be well organized, and that with a few exceptions they were in such a position that further assistance of surgeons and nurses from the American Red Cross was no longer greatly needed. This was not true, however, regarding supplies, which it was felt would steadily diminish, be increasingly difficult to obtain, and therefore continue to be needed in varying amounts by all warring countries. In consideration of these facts the central committee decided to notify the respective belligerent governments of our intention to withdraw all American Red Cross personnel from Europe on or about October 1, 1915, with the exception of the hospital units at La Panne, Belgium, which at that time would only have been at their station for a period of about six months. However, by October 1 all of the other units would have served in Europe for one year. Through the recall of the European personnel a very considerable economy would be accomplished. The money that otherwise would be required for the payment of salaries, travel, and other necessary expenses would be saved and the funds thus released be available to continue the purchase of medical, surgical, and other hospital supplies for the Red Cross societies of the belligerents for many months. Accordingly, on August 1, 1915, notification of the intention to withdraw our personnel was transmitted through the State Department and our ambassadors at the various European capitals, so as to give those concerned ample time either to prepare to abandon the hospitals where American Red Cross personnel was working or to arrange to have other personnel take over their duties when the American Red Cross withdrew, as seemed best to them in their judgment. It is therefore proper at this time to give a brief history of our hospital units in Europe, including the work accomplished, and other matters of interest.

UNITS A AND B.

Units A and B, after assignment to duty at Pau, France, converted an amusement place or casino called the Palais D'Hiver into a hospital, with a total capacity of 176 beds. The first patients received, 34 in number, were admitted on October 15, 1914. In many instances soldiers reached the hospital within 48 hours of the time they had been wounded. The hospital was formally closed on September 16, 1915. During the period covered 598 cases were treated to a conclusion and more than 225 major operations were performed. Hundreds of minor operations and dressings were of course required. Compared with the showing of some of the other units, these figures seem rather small, but all cases received at Pau were treated to a conclusion. Our surgeons were enabled to make most careful records and to devote a great deal more time and attention to each case than was possible where patients were admitted more rapidly and in greater numbers. The personnel of the units at Pau was as follows:

Unit A: Dr. Reynold M. Kirby-Smith, of Sewanee, Tenn., director; Dr. John A. C. Colston, of Baltimore, Md., first assistant; Dr. M. H. Todd, of Galloways, Md., second assistant; and 12 nurses, in charge of Miss Margaret Lehman, of Philadelphia, Pa.

Digitized by Google

Unit B: Dr. Roades Fayerweather, of Baltimore, Md., director; Dr. Lewis C. Spencer, of Utility, La., first assistant; Dr. Harry R. Slack, of Baltimore, Md., second assistant; and 12 nurses, in charge of Miss Alice Henderson, of Baltimore, Md.

During the winter months a very severe epidemic of typhus fever occurred in Servia in which two of our units became heavily infected. In the latter part of February it became necessary to cable to our director at Pau, France, and ask one surgeon and three nurses to volunteer for service at Gevgeli, Serbia, for the purpose of aiding our distressed personnel until additional assistance could arrive from the United States. Practically every member of the units at Pau signified their willingness to undertake this dangerous mission, but Dr. R. M. Kirby-Smith, the senior director, decided to go himself, and selected the three nurses to accompany him. He was largely guided in his decision by the fact that he knew that the direction of the American Red Cross Hospital at Pau could safely be intrusted to the very competent junior director. Dr. Kirby-Smith and the Misses Margaret Lehman and Anna V. Lofving, of Philadelphia, Pa., and Rebecca Watson, of Baltimore, Md., left Pau on March 3, 1915, to sail from Marseille, France, and reached Saloniki, Greece, March 19, 1915. After the departure of Dr. Kirby-Smith, Dr. Roades Fayerweather became the senior director and took charge of the hospital. Miss Alice Henderson succeeded Miss Lehman as supervising nurse, and Dr. John C. Colston, first assistant of unit A, was promoted to the position of director, under Dr. Fayerweather. The vacancy made by the departure of Dr. Kirby-Smith was filled by Dr. Fred W. Eastman, of American Red Cross unit D at Paignton, England. Dr. Eastman left Paignton March 16, 1915, and reported for duty at Pau, France, March 21, 1915. Dr. B. Sherwood-Dunn, of New York, sailed on May 8 for Bordeaux, France, and was assigned to duty at Pau. He was relieved from duty August 7, 1915. A number of changes occurred among the nursing personnel at Pau from time to time, and all vacancies were promptly filled from the United States.

Early in July an urgent request for a competent X ray operator was made by Dr. Edward W. Ryan, director of our hospital units at Belgrade, Serbia. As there was an extra surgeon on duty at Pau at that time, Dr. Eastman was detailed for the position, and sailed from Marseille on July 14 en route for Belgrade. Dr. Eastman was relieved from further duty September 21.

Dr. Colston, after finishing his tour, left Pau on August 3, Dr. Slack on August 31, and Dr. Spencer September 21, en route to the United States. Drs. Fayerweather and Todd closed up the hospital on September 16 and sailed from Marseille for the United States October 1 on the steamer *Cretic*, which reached Boston October 22, 1915.

In closing the account of the work accomplished by our units at Pau mention should be made of the unfailing courtesy extended to all by the French authorities. M. Alfred de Lassence, the mayor of Pau, was untiring in his interest and assistance, and his daughter, Mme. de Cabrole, helped actively at the hospital. Mrs. Harry Hutton, Mme. de Arizcun, and Miss Margaret Porter, all American ladies living in France, had charge of the sewing room of the hospital and were indefatigable in their labors. Mrs. Leonard Brown was another active worker. Mrs. Wadsworth Rogers, president of the Comite

Digitized by Google

des Dames, and Mrs. John Cushing, a member of the same committee, while unable to lend their personal services at the hospital, gave financial assistance, and were instrumental in obtaining quantities of equipment and many supplies needed by the hospital. A large number of French ladies took an active interest in the hospital and gave their personal services. The American ladies are mentioned particularly because they were actuated purely by humanitarian motives, as the work that they did was not for soldiers of their own country. Mr. George A. Bucklin, jr., the American consul at Bordeaux, France, by his courtesy and interest at all times in the welfare of our doctors and nurses at Pau, was of the greatest assistance, not only in forwarding supplies and by giving advice and help to nurses and doctors arriving at Bordeaux, but through his good offices with the French authorities he smoothed many situations which might otherwise have been very difficult to handle. That the services of the American Red Cross were appreciated is evident from the following letter, addressed to Dr. R. M. Kirby-Smith shortly after the arrival of our units at Pau, by M. Alfred de Lassence, the mayor of that city:

My Dear Doctor: May I, through your kindness, convey to the American Red Cross the expression of our heartfelt gratitude? Nothing could be more useful for the care of our wounded than the aid of the doctors and of the nurses sent by the American Red Cross. We all admire the knowledge and devotion of the doctors, and the efficiency and excellent training of the nurses.

The hospital that you have taken charge of will be a model, and a very useful model, for a great many of our sanitary formations.

I have often had the satisfaction of expressing my personal views to you and to your staff. I would be very gratified if, through your kindness, you would transmit to the American Red Cross the expression of our sincere gratitude. Believe me, my dear Doctor.

Yours, cordially and devotedly,

Alfred de Lassence,
Mayor of Pau.

UNITS F AND D.

Unit F reported at Paignton, South Devon, England, October 1, 1914, for duty at the American Women's War Relief Hospital. For five or six weeks this unit worked in conjunction with some British surgeons and nurses, but on November 11 it was joined by American Red Cross unit D from the Haslar Royal Naval Hospital at Gosport, England, and shortly thereafter the English surgeons were assigned to duty elsewhere, leaving the operation of the hospital entirely in the hands of the American Red Cross and the American Women's War Relief Fund. This hospital ceased to be an American Red Cross institution on September 30, 1915. A number of graduate English nurses and probationers remained on duty at the hospital for the entire period mentioned. While the hospital was operated by the American Red Cross 1,905 cases were admitted. It was necessary to perform a large number of major and minor surgical operations and dressings. The hospital was situated in Oldway House, the estate of Mr. Paris Singer, which he lent to the American Women's War Relief Fund for the duration of the war. Beautifully situated in large grounds and where the climate is mild during the entire year it was admirably adapted to this purpose.

The personnel of these two units consisted of the following:

Unit F: Dr. Howard W. Beal, of Worcester, Mass., director; Dr. V. N. Leonard, of New Haven, Conn., first assistant; Dr. William T.

Digitized by Google

Fitzsimons, of Kansas City, Mo., second assistant; and 12 nurses, with Miss Maybelle S. Welsch, of Boston, as supervising nurse.

Unit D: Dr. Robert W. Hinds, of Buffalo, N. Y., director; Dr. Fred W. Eastman, of Cameron, Mo., first assistanr; Dr. Hanry M. Shaw, of Baltimore, Md., second assistant; and 12 nurses, under Miss J. Beatrice Bowman, of Washington, D. C., as supervising nurse.

As this hospital was one to which we could most easily send personnel, transfers were made from time to time to meet existing emergencies elsewhere. An English nurse, Miss Fletcher, acted as matron until May, when she resigned and was succeeded by Miss F. Ethel Bickmore.

On March 16 Dr. Fred W. Eastman was transferred to our hospital at Pau, France. In April Dr. Robert W. Hinds was made director of American Red Cross Belgian units and proceeded to Liverpool to join them when they landed there from the United States on the 22d of that month. Dr. William T. Fitzsimons was transferred at the same time as first assistant of Belgian unit No. 2.

Dr. Henry A. Lange, of Providence, R. I., sailed from New York March 27 for Paignton, England, to fill the vacancy created by the relief of Dr. V. M. Leonard. He reported at Paignton on April 5, but on April 12 was transferred for duty with American Red Cross Yvetot unit at the Military Hospital No. 41, bis, Yvetot, France. Dr. Leonard left Paignton February 24 and arrived in New York March 15. Dr. H. M. Shaw left Paignton March 1 and was relieved by Dr. A. N. Dykes, of Cochran, Ga., who reported at Paignton April 5. Dr. E. L. Gilcreest, of Gainesville, Tex., and Dr. James A. Stowers, of Millersville, Mo., sailed February 20 and arrived at Paignton February 28. Dr. Gilcreest finished his term of service with the unit July 31 but did not return to the United States until November 2, and Dr. Stowers was transferred to the Yvetot unit on July 19.

Dr. William G. Crumley, of Rochester, Minn., who sailed from New York January 27 reported at Paignton February 7, 1915, as pathologist and consulting internist. The assignment of such a specialist was recommended by Sir William Osler. Dr. Crumley was transferred to American Red Cross Belgian units at La Panne, Belgium, July 21.

On May 1, Drs. D. P. Penhallow and H. H. Howard, of Boston, Mass., sailed for Paignton, and reported there on May 12, 1915. Dr James E. Daniel, of Greenville, S. C., left New York April 17 and reported for duty at Paignton April 26.

Owing to the demand for nurses to fill vacancies which occurred at La Panne and Yvetot many transfers were made from Paignton. Their places were promptly filled from the United States.

Upon the termination of the American Red Cross service at Paignton, September 30, 1915, Dr. D. P. Penhallow was appointed chief surgeon of the hospital under the American Women's War Relief Fund, whose offices are at 31 Old Burlington, Street, London. Dr. James E. Daniel and five nurses formerly in the service of the American Red Cross remained with him. Lieut. Col. R. C. Gunning, Royal Army Medical Corps, was in military command of the hospital, and Sir William Osler, baronet, was honorary consulting physician. The American Women's War Relief Committee consists of Lady Arthur Paget, Lady Henry, the Duchess of Marlborough, Lady Randolph

Digitized by Google

Churchill, Mrs. Whitelaw Reid, Mrs. John Astor, Mrs. Lewis Harcourt, and a large number of other American ladies.

Dr. A. N. Dykes and five nurses left Paignton, England, for La Panne, Belgium, on October 4, 1915, and reported for duty with the American Red Cross Belgian units on October 8.

Unit D reported for duty at the Haslar Royal Naval Hospital at Gosport, England, October 3, 1914, and remained there until November 11, when they were transfrered to Paignton. During the five weeks that they were at Gosport they assisted in the care of some 1,200 patients. The majority of these were wounded Belgian soldiers, 680 being received at one time on October 13 and 300 October 15, 1914.

UNIT K.

When unit K arrived at Vienna, Austria, it was assigned to duty at a military hospital known as the Imperial and Royal Reserve Hospital No. 8, in the twelfth district of the city of Vienna. The hospital was a converted four-story brick and stucco school building and contained a surgical section of 150 beds and a convalescent section of 250 beds, with operating rooms, X-ray plants, and other accessories complete in every particular. Patients received from the front were brought directly into a large room, formerly the school gymnasium, which was equipped with beds, benches, bathtubs, showers, diet kitchen, dressing room, and steam sterilizer for clothing. When admitted patients were immediately given a bath and their clothing was sent to a sterilizer. Afterwards, they were given nourishment and were allowed to rest. Cases that required surgical operations were transferred to the surgical section, and those needing dressing only, were sent to the dressing department. Such patients as could properly be assigned to the convalescent section, were placed it in order to prevent clogging the active part of the hospital with light cases. The whole hospital was under the direction of Dr. Cary A. Snoddy, of Knoxville, Tenn., who had under him the foling staff:

Dr. Fred G. Benton, of Owego, N. Y., first assistant; Dr. Walcott Denison, of St. Louis, Mo., second assistant; A. M. von Scalla, second lieutenant, Austrian Army, executive officer; Theo. Mayer, second lieutenant, Austrian Army, military instructor; Otto R. Zaichecy, Austrian Red Cross, pathologist; Frau Hofrath Lecher, Austrian Red Cross, dietician; Erhard Zacharias, Austrian Red Cross, X-ray operator; Rudolph Altenbert, Austrian Red Cross, pharmacist; J. C. Fordham, Austrian Red Cross, commissary; with 12 nurses, under Miss Lyda W. Anderson, of Chicago, Ill., as supervising nurse.

The first cases were admitted to the hospital November 14, 1914, and the institution was closed September 18, 1915. During that time 2,050 cases were treated, among whom only 5 deaths occurred.

Dr. P. A. Smithe, of Enid, Okla., sailed from the United States December 19, 1914, and reported for duty at Vienna on January 21, 1915. He left the unit August 1, 1915, to return to the United States and landed in New York August 24.

Dr. Walpole Brewer, of Atlanta, Ga., and eight nurses for duty with units K and E at Vienna and Budapest sailed May 1. After reaching Genoa they were delayed by the outbreak of war between Italy and Austria and were joined at Genoa by nine other nurses,

Digitized by Google

who sailed from New York on May 15. The entire party left Genoa May 29 and reached Vienna via Zurich, Switzerland, June 1. Dr. Brewer left Vienna September 20 for Rotterdam accompanying Dr. H. T. Lay, who was ill, as far as that city, and then crossed to England to join our units at La Panne, Belgium. However, this assignment was declined by the Belgian Red Cross on the ground that Dr. Brewer had been serving in Austria. Dr. Brewer reached New York November 4.

Dr. Fred G. Benton finished his service with the unit June 1, 1915. Dr. Charles E. MacDonald joined the unit from Budapest December 26, 1914, and left for the United States March 3, 1915. All vacancies occurring in the nursing personnel were promptly filled from the United States.

On September 18, 1915, at the time the hospital at Vienna was closed, the vice president of the Austrian Red Cross Society, the chief military surgeon of the department of Vienna, and Princess Montenuevo visited the hospital to express their thanks to the American Red Cross. The vice president addressed unit K as follows:

Most honorable mission of the American Red Cross, I have the honor to greet you respectfully. It is a year since you arrived in Vienna, and since I had the honor to welcome you—this happy moment of your arrival is so fresh in my memory that I can hardly believe that it happened a year ago—in all these sad events your arrival was a pleasant and consoling happening.

Terrible times have come over our old and venerable monarch and over our inseparable German allies. Enormous material losses have befallen us; towns have been destroyed and countries have been devastated; precious human life has been slaughtered, but far greater than goods, these ideals—carefully guarded—of humanity, the fruit of centuries of civilization, have been destroyed. In those terrible happenings, we can see one ray of sunshine in the true neutral love bestowed on your fellow-creatures, not inquiring whether friend or enemy. Like the farmer looking over his ravaged field after a terrible tempest, sees in the midst of all destruction an only flower, which means to him a happy outlook and hope for the future. This flower is the true Samaritan as whose apostolic messenger you came to us. This true Samaritan work gives consolation and hope for a better future. Not only for this do we thank you, that you came over here to heal our wounded, but much more do we thank you, that, through your work of true Samaritan love unconcerned whether friend or foe, you have kept alive the conviction that those ideals of neighborly love have not died out. In the name of the directors of the Red Cross, I wish to thank you most heartily. You are now going into the land of our enemy to continue there your Samaritan work for our wounded. May the Lord guide you; may the Lord protect you.

As soon as the hospital was closed Drs. Snoddy, Denison, and Jewitt proceeded to Berlin, Germany, with 9 nurses from unit K, and were joined there by 3 surgeons and 11 nurses from unit E at Budapest, 2 surgeons and 8 nurses from unit G at Cosel, and 1 surgeon and 10 nurses from unit I at Gleiwitz. Dr. Snoddy organized this party into a unit to proceed to Russia for the purpose of caring for German prisoners in Russia. This step was taken at the request of the German Government and with the consent of the Russian Government, funds for the maintenance of the unit being furnished by the German Government. The party, consisting of 9 surgeons and 38 nurses, left Berlin for Petrograd via Stockholm, Sweden, September 28, 1915. So far this work has been among prisoners in the vicinity of Moscow.

UNIT E.

Unit E was assigned to duty at Budapest, Hungary. There they took over a beautiful, modern, brick and concrete structure which at the outbreak of the war had been an asylum for the blind and was

Digitized by Google

in excellent condition. The sanitary arrangements, heating, lighting and everything connected with the hospital left little to be desired. The building was of three stories and had a large basement. There was ample room to accommodate 200 patients. The hospital was opened for the reception of patients October 31, 1914, and closed September 20, 1915, and 1,543 cases were admitted and 313 major operations performed during that time. Twenty-four deaths occurred among the patients admitted to the hospital, mainly from such causes as pneumonia, tuberculosis, and other medical conditions. As from 85 to 90 per cent of all of the cases were suffering from wound infections, the death rate was remarkably low, being lest than 1½ per cent of the total admissions.

The unit consisted of Dr. Charles A. MacDonald, of Salem, N. J., director; Dr. Russell A. Jewitt, of Cleveland, Ohio, first assistant; Dr. John C. Miller, of Shenandoah, Pa., second assistant; and 13 nurses, under Miss Alice Beatle, of Cleveland, Ohio, as supervising nurse.

Dr. MacDonald was relieved from duty at Budapest December 26, 1914, and transferred to Vienna, Austria, with unit K. Dr. Jewitt was transferred to unit K on February 19, 1915.

Dr. William J. Crookston, of Pittsburgh, Pa., and Dr. Harry T. Lay, of Montgomery, Ala., sailed from New York December 30, 1914, and reached Vienna January 18, 1915, reporting at Budapest January 22. Dr. Crookston assumed charge as director of the hospital, and the splendid showing of this unit was principally due his executive ability and conscientious attention to duty. Dr. Richard E. Metcalf, af Winthrop, Mass., sailed from New York March 16 and arrived at Budapest April 8, 1915. Drs. Crookston, Metcalf, and Miller, with 11 nurses, proceeded to Berlin, Germany, after closing their institution at Budapest, and joined the American Red Cross unit which was being organized by Dr. Snoddy to proceed to Russia to care for German and Austrian prisoners in Russia.

Dr. Harry T. Lay, although he desired to go to Russia, was unable to do so owing to a very serious illness which necessitated his return to the United States. He sailed from Rotterdam September 25 and arrived in New York October 7, 1915.

UNIT G.

Unit G was placed in charge of a lazaret of 100 beds in a group of hospitals at Cosel, in German Silesia, which had a total capacity of 800.

The unit consisted of Dr. Bial F. Bradbury, of Norway, Me., director; Dr. R. H. Newman, of Knoxville, Tenn., first assistant; Dr. John Lancer, of New York, second assistant; and 10 nurses, under Miss Frances Meyer, of New York, as supervising nurse.

Dr. Bradbury was obliged to leave the unit December 31, 1914, and return to the United States owing to the serious illness of his wife at her home. Dr. Gilbert A. Bailey, of Chicago, Ill., was appointed to succeed him as director, and sailed for Germany on February 27, arriving at Cosel March 13. He was relieved from duty April 22, and Dr. R. H. Newman was appointed director in his stead.

Digitized by Google

Dr. Fred O. Lien, of San Francisco, Cal., sailed from New York June 1 and reached Cosel June 18, to fill the vacancy made by the promation of Dr. Newman.

Dr. R. H. Crawford, of Rock Hill, S. C., with four nurses, left New York May 1 and reported at Cosel May 15, vice Dr. John Lancer, whose term of service at Cosel expired June 17. Dr. Lancer reached New York July 21. Two of the nurses with Dr. Crawford were assigned to duty at Cosel and two to unit I, at Gleiwitz. On July 8 Dr. Crawford was transferred to service with unit I, at Gleiwitz.

Unit G commenced work at Cosel on October 17, 1914, and the hospital was closed September 15, 1915. During that time more than 750 cases were treated to a conclusion and approximately 275 major operations were performed. As soon as the hospital was closed Drs. Newman and Lien, with eight nurses, reported to Dr. Snoddy in Berlin for further duty.

UNIT I.

Unit I, consisting of Dr. Charles H. Sanders, of Calvert, Tex., director; Dr. John F. Spearman, of Leetonia, Ohio, first assistant; Dr. Grover A. C. Stem, of Washington, D. C., second assistant; and 15 nurses, under Miss Anna Reutinger, of New York, as supervising nurse, reported at Gleiwitz and assumed charge of their first patients October 20, 1914, in a building which had formerly been a theater and which they arranged to accommodate 150 patients. Most of the cases received were recently wounded, a large percentage of the injuries being of a very severe character. After treating 1,527 cases the hospital was closed September 13, 1915.

Dr. Sanders was relieved from duty on March 11, 1915, and reached New York March 27, 1915. His place was taken by Dr. Edwin A. Hamilton, of Columbus, Ohio, who sailed April 20 and reported at Gleiwitz, May 6.

The efforts of our detachments at Gleiwitz and Cosel were very much appreciated by the German authorities and frequently commendatory reports were received from various sources, one of the most complete ones being made by Mrs. Gerard, wife of the American ambassador at Berlin. Count Helie de Talleyrand-Perigord, who met the American Red Cross when they landed at Rotterdam, Holland, and conducted them, in company with Baron Goldschmidt Rothschilds, to Berlin, was assigned to special duty with units I and G in Silesia during their entire tour of duty. He was of the greatest assistance to both units, and by his unfailing courtesy and devotion to their interests won the gratitude and affection of our entire staff.

After the closing of this hospital Drs. Hamilton and Crawford returned to the United States, and arrived in New York September 30, 1915. Dr. John F. Spearman left September 28 and reached New York October 17. Dr. Stem, with 10 nurses, joined Dr. Snoddy in Berlin and proceeded to Russia.

UNITS C AND H.

Units C and H reached Kief, Russia, on the 2d of November, 1914, and after inspecting many buildings finally decided on one of the buildings of the Polytechnic Institute. It was turned over to the

Digitized by Google

American Red Cross on November 7, 1914, but as some of the previous occupants remained in the building they were unable to take full possession of the part to be used for patients until November 13. They were obliged to wait until November 20 before getting into their living quarters in the hospital. Very extensive alterations were required and much time was taken up in thoroughly cleaning the building, arranging the operating pavilion, and setting up beds and other equipment. The hospital was formally opened December 5, when the first patients were received. The institution was closed September 15, 1915, during which time 4,050 cases were admitted and 976 major operations performed. In addition 53,233 minor surgical operations and dressings were done. A total of 151 deaths occurred in the hospital, or a mortality rate of 3.7 per cent. This mortality rate is most creditable, particularly so in view of the fact that the vast majority of the wounded (80 to 90 per cent) received at Kief were badly infected. Many reached the hospital in a very depleted condition, as often they did not arrive until from one to two weeks after they had been wounded.

Dr. William S. Magill, the senior director, was relieved from duty November 7, 1914, and the composition of the units after that was as follows:

Unit H: Dr. Edward H. Egbert, of Washington, D. C., director; Dr. Brown S. McClintic, of Peru, Ind., first assistant; Dr. Arthur M. Zinkhan, of Washington, D. C., second assistant.

Unit C: Dr. Phillip Newton, of Washington, D. C., director; Dr. Paul H. Zinkhan, of Washington, D. C., first assistant.

There were 25 nurses on duty with these two units, under the supervision of Miss Helen Scott Hay, of Chicago, Ill.

Dr. Dean F. Winn, of Atlanta, Ga., sailed from New York for Archangel, Russia, on November 18, 1914, and proceeded via Petrograd to Kief, where he arrived December 21, to take up duties as second assistant of unit C. Dr. Winn's term of service expired August 31, 1915, and he reached New York September 30.

Dr. John Mann, of Petersburg, Va., and Dr. T. Lyle Hazlett, of Pittsburgh, Pa., sailed December 16, and reported at Kief February 19 for duty as third assistants of units H and C, respectively. Dr. Mann, after completing his tour of service with the American Red Cross, left August 8 for Tokyo, Japan, where he is now acting as superintendent of the American Hospital.

Dr. H. H. Snively, of Columbus, Ohio, sailed from New York with 11 American Red Cross nurses March 20, 1915, for Bergen and Christiania, Norway, en route to Kief via Stockholm, Finland, and Petrograd. The party reached Kief April 18, when Dr. Snively assumed the duties of director in chief of both units. Owing to the great distance, the party of nurses accompanying Dr. Snively were the only ones sent to Russia to fill vacancies that had occurred there.

After closing the hospital at Kief, September 15, 1915, Drs. Arthur M. and Paul H. Zinkhan returned to the United States via Siberia and Japan and reached San Francisco November 10. Six nurses who had been on duty at Kief returned with these two surgeons. From September 20 to October 7, 1915, our surgeons and nurses operated a receiving hospital at the railway station at Kief, caring for 1,998 soldiers.

Digitized by Google

Drs. Snively, McClintic, and Hazlett left Kief October 7 with five of our nurses for Tiflis, in the Caucasus, proceeding via Poltavo, Toganarog, Baku, and Julfa, to Khoi, in northern Persia, where they are now in charge of a hospital under the Russian Red Cross. The three remaining nurses of the personnel after leaving Kief returned to the United States. Dr. Newton has accepted service as a division surgeon with one of the Russian armies. Dr. Snively reached New York after leaving Khoi, Persia, on January 1.

SERBIAN UNIT NO. 1.

Serbian unit No. 1, upon reaching Saloniki, Greece, proceeded to Valjevo, where, after consulting with the Crown Prince, they were directed to proceed to Belgrade, which they reached October 15, 1914. The director, Dr. Edward W. Ryan, was placed in charge of a military hospital which was in a very large modern building. However, at the time the unit reported, it had not been cleaned for months and was in poor condition. It was full of patients, mostly surgical in character, the majority of whose wounds were badly infected. Between October 15 and December 2 about 1,000 Serbian soldiers were treated in the hospital. Many of those admitted during this time, however, were only slightly wounded. On December 2 the Austrian forces captured the city of Belgrade, the Serbians having evacuated the town 48 hours previously, and the hospital soon became crowded with wounded. For several days during the Austrian occupation there were 3,000 wounded men in the hospital, with many thousands in the adjacent grounds. From November 25 until the recapture of the city by the Serbian forces, Dr. Ryan, the director of our unit, acted as director of all military hospitals in Belgrade, five in number, with about 40 buildings. In addition to these Dr. Ryan also had charge of the insane and all other civil, medical, and surgical hospitals in the city. To assist him in his work, besides the American Red Cross personnel, he had 8 Serbian doctors and 150 Serbian nurses.

During the Austrian occupation Dr. Ryan was obliged to obtain food for about 6,000 people, some of which he purchased, and the rest was given to him by the Austrian authorities. When the Austrians withdrew they took all of their wounded except 514 who were left in Dr. Ryan's care at the American Red Cross Hospital. Owing to the small number of doctors and nurses available it was impossible to keep accurate records of all cases and hence the reports from this hospital have been rather meager. On January 1, 1915, they had 1,000 patients in the hospital. On February 1 they had 1,000 medical and 350 surgical cases. During March they treated 1,850 cases. May 21, 510 cases were reported as being in the hospital. According to a report mailed July 10 there were 600 medical and 280 surgical cases at that time.

The original unit which proceeded to Belgrade consisted of Dr. Edward W. Ryan, of Scranton, Pa., director; Dr. James C. Donovan, of Goshen, N. Y., first assistant; Dr. William P. Ahearn, of Towanda, Pa., second assistant; with 12 nurses, under the supervision of Miss Mary E. Gladwin, of Akron, Ohio.

Drs. Donovan and Ahearn with three nurses left Belgrade March 3 and reached the United States April 5.

Digitized by Google

About March 25 Dr. Ryan, the only remaining surgeon with the unit, became ill with typhus fever. Fortunately on the very day that he became ill, Dr. Reynold M. Kirby-Smith, with three nurses from Pau, France, arrived at Belgrade, in company with Dr. Ethan Flagg Butler, of Serbian unit No. 2, which had been stationed at Gevgeli; Dr. George W. Mellon, of Beaver, Pa., and Dr. Earl B. Downer, of Lansing, Mich., joined him there a fews day later. Dr. Downer started from the United States on February 16. Dr. Ryan had been overwhelmed with work for months, particularly so during the month of March, when he had no American doctors to assist him. It was impossible to cope with the situation. Dr. Kirby-Smith, with his assistants, was able to institute steps to prevent the further spread of typhus fever among the members of the American Red Cross units and their Austrian and Serbian colaborers in the hospital, although four of the nurses of the unit became ill with typhus before the measures became effective. Dr. Ernest Pendleton Magruder, director of Serbian unit No. 3, who reached Belgrade on March 31, had become infected with typhus at Gevgeli, and when he arrived in Belgrade was already sickening with the disease. To the great regret of the American Red Cross, Dr. Magruder died in our hospital at Belgrade on April 8, 1915, and was buried in the civil cemetery. It is the intention of the American Red Cross at the end of one year (which the United States and Grecian quarantine regulations require must elapse after death from contagious or infectious diseases) to bring the body of Dr. Magruder to the United States for interment.

At the time Dr. Kirby-Smith left Belgrade, May 9, 1915, after the recovery of Dr. Ryan, such sanitary precautions had been instituted that no further cases of typhus developed among our personnel at that hospital. Too much credit can not be given Dr. Kirby-Smith for his splendid work at Belgrade. One of the nurses who accompanied him from Pau, France (Miss Rebecca Watson), became infected with typhus fever. The other nurses at Belgrade who were attacked by the disease were the Misses Lusk, Kerrigan, and Smith. All made excellent recoveries.

On March 16, Dr. W. D. Kirkpatrick, of Bellingham, Wash., and Dr. Frederic Hagler, of St. Louis, Mo., and six nurses sailed from New York for Naples, Italy, and Piraeus, Greece, en route to Saloniki, where they arrived April 8. They joined our hospital at Belgrade on April 13.

SERBIAN UNITS NO. 2 AND NO. 3.

Serbian units No. 2 and No. 3 were assigned to duty at Gevgeli, in southern Serbia, just across the border from Greece and about 50 miles northwest of Saloniki. The hospital consisted of an empty warehouse of two stories and a large tobacco factory. At the time that the units arrived at Gevgeli there were between 1,200 and 1,400 sick and wounded Serbian soldiers and Austrian prisoners in the hospital. The task confronting our staff was herculean. An attempt was made to segregate all medical cases in the tobacco factory and to separate the different diseases one from the other, while the warehouse was fitted up with an operating room and only surgical cases were admitted to it. As none of the buildings were suitable for hospital purposes, and as there was great delay in obtaining supplies, the duty

Digitized by Google

placed upon them was most difficult. A large number of cases of measles, typhoid fever, typhus fever, relapsing fever, bronchitis, follicular tonsilitis, pneumonia, rheumatism, and various types of dysentery were among the medical cases found in the hospital. The general sanitary conditions at Gevgeli were almost unbelievable. The water supply was from shallow surface wells, those nearest the hospital upon examination showing evidence of human contamination. Food was prepared in small outhouses, which had to serve as kitchens. There were no laundry facilities. There were no toilets in any of the buildings for the disposal of excreta, and refuse was thrown on the ground outside of the hospital and in the streets. Vermin of all kinds were in the building, particularly lice. During the month of January our two units cared for between 850 and 1,050 cases daily. At one time they received by train two shipments of patients, one consisting of 450 and the second of 150 cases. Patients were admitted from the mobilization camp at Gevgeli at the rate of from 20 to 50 per diem. The living conditions were so bad that it was practically impossible for our own surgeons and nurses to protect themselves from infection. When they first reached Gevgeli the condition of the sick and wounded was so pitiful that our staff was obliged, out of mere humanity, to assume charge of them at once, and were thus prevented from taking the time necessary to institute effective measures to render their own living conditions even reasonably safe. The result was a fight against impossible odds, which terminated in the entire personnel, with the exception of Dr. Butler and four nurses (the Misses Fry, Canfield, Lockerby, and Tetrault), becoming infected with typhus fever in the following order: Dr. Morton P. Lane, New Orleans, La., January 28; Miss Clara Tulloss, January 29; Miss Clara I. Slusher, January 30; Dr. Clapham P. King, Annapolis, Md., February 7; Miss Matild H. Krueger, pneumonia first and two weeks later typhus, February 9; Miss Wilhelmina Weyhing, February 12; Miss Teresa I. Curley, February 16; Dr. James F. Donnelly, of New York City, February 18; Miss Maude Ellis, February 19; Miss Mary Siehrs, February 20; and Miss Mary D. Cox, February 21.

Miss Canfield, one of the four nurses who escaped typhus, was, however, severely ill in February with a fever of undetermined type.

Dr. Magruder received his infection at Gevgeli before going to Belgrade and probably went through the incubation period while traveling to that city, where he arrived in the active stages of typhus fever. As already stated, he died at the American Red Cross Hospital at Belgrade April 8, 1915. Dr. James Francis Donnelly died at Gevgeli on February 22 as a result of typhus fever. Dr. Donnelly's body will be exhumed and returned to the United States for burial in February, 1916.

On the advice of Mr. Bicknell, of the American Red Cross, then in Europe for the Rockefeller Foundation, Dr. Ryan left Belgrade late in February and proceeded to Gevgeli to consult with Drs. Butler and Magruder, directors of the units at Gevgeli, and Drs. Soubotitch and Platon, of the Serbian Red Cross. It was decided that the best thing to do would be to withdraw from Gevgeli to Saloniki, Greece, as rapidly as the condition of our doctors and nurses would permit, for recuperation and reorganization. This recommendation was approved after having been cabled to Washington by Dr. Ryan. About this

Digitized by Google

time Dr. Kirby-Smith was started from France with three nurses to assist in caring for those at Gevgeli, with instructions to take charge and, if he found it necessary, move the remaining uninfected personnel from Gevgeli to Belgrade, assuming entire direction of all three Serbian units until conditions had improved sufficiently to permit him to return to the United States.

Dr. George W. Mellon, of Beaver, Pa., proceeded from France to Serbia on the same ship with Dr. Kirby-Smith and the three nurses and on April 1 was accepted for American Red Cross service on the recommendation of Dr. Kirby-Smith. Soon after reaching Belgrade, Dr. Mellon was sent back to Saloniki to go as far as Naples, Italy, in charge of one surgeon and eight nurses who were then convalescent from typhus fever. After seeing them safely on board a vessel for the United States he returned to Serbia and reported at Belgrade late in April. Dr. Mellon finished his service at the hospital September 24 and arrived in the United States October 22.

The deaths of Dr. Magruder and Dr. Donnelly were keenly felt by the American Red Cross. These physicians sacrificed their lives in the cause of suffering humanity. The example of their work and heroism will always be an inspiration to others. Each of these doctors left a widow and one child. It is gratifying to be able to announce that the central committee at once set aside a sum of money which is being distributed in monthly payments to the widows as a contribution toward the support of their children.

Dr. Ethan Flagg Butler completed his term of service with the American Red Cross and left Belgrade May 27, arriving in the United States on July 16.

Dr. Samuel H. Hodge, of Knoxville, Tenn., withdrew from the service of the American Red Cross February 22.

Dr. Shadworth O. Beasley, of San Francisco, Cal., Dr. William A. Jolley, of Boulder, Colo., and Dr. Morton P. Lane, of New Orleans, La., together with five nurses, sailed from the United States May 1 and reached Belgrade May 25. Dr. Lane was the first member of Serbian units No. 2 and No. 3 who became ill with typhus fever at Gevgeli. By the time he reached the United States in April his condition had improved to such an extent that he requested permission to return to Serbia in the American Red Cross service.

Drs. Kirkpatrick and Hagler, with five nurses, left Belgrade, August 15 and reached New York September 12.

About October 1, at the time that our units were to be withdrawn from Serbia, the hospital at Belgrade was so crowded and the Serbians were so busy preparing to resist the attack of the Austro-German forces that it was impracticable to turn over the hospital to them. On October 5, when the Austro-German attack on Belgrade commenced, and during the days of the bombardment our personnel remained in charge of their hospital. After Belgrade was evacuated by the Serbian forces on the night of October 8, it was felt that it would be inhuman to desert their patients when the Serbian forces were leaving, and the entire personnel elected to remain with their charges. Following the withdrawal of the Serbian forces they continued to care for the sick and wounded under Austro-German auspices until November 7, when all but four of the personnel withdrew. Dr. Ryan and those remaining with him finally left Belgrade on November 10 for Budapest and Vienna. During the attack on Belgrade and the 10 days succeeding its capture our doctors and nurses in the hos-

Digitized by Google

pital cared for nearly 4,000 wounded Serbian and Austrian soldiers. Dr. William A. Jolley and seven nurses returned via Switzerland, France, and Falmouth, England, and reached New York December 8. Dr. Downer reached New York December 15. The remainder of the personnel are returning to the United States by various routes.

YVETOT UNIT.

In December, 1914, before sailing for France, Dr. Ralph R. Fitch, of Rochester, N. Y., made arrangements with the American Red Cross whereby nurses would be sent to Hospital Militaire No. 41 bis, at Yvetot, France, if after his arrival there he should find that the need was great enough to justify the expense, and that living conditions could be sufficiently controlled to make our nurses safe and reasonably comfortable. Shortly after reaching France Dr. Fitch cabled that nurses were urgently needed. He was accordingly made director of American Red Cross Yvetot unit, and nine nurses sailed for Havre, France, on the steamship *Rochambeau* on February 23 and reported to Dr. Fitch at Yvetot, March 3, 1915. The supervising nurse was Miss Mary M. Fletcher, of Charlottesville, Va.

Pursuant to a request from Dr. Fitch for an assistant, Dr. Henry T. Lange was transferred from the American Red Cross Hospital at Paignton, England, to Yvetot on April 12, 1915. July 24 Dr. Lange was obliged to leave Yvetot on account of ill health and return to the United States. Dr. James A. Stowers was transferred from Paignton to fill the vacancy.

The hospital at Yvetot was operated jointly by members of the American Red Cross and some English surgeons and nurses. On August 15 the French authorities requested Dr. Fitch and his personnel to take charge of another hospital near Yvetot, and the entire unit was transferred to Hospital Militaire No. 43 bis, at St. Valery-en-Caux, where they have been ever since. On October 1, 1915, the personnel of the unit passed from the service of the American Red Cross to that of the French Red Cross. We have been informed that all are giving their services entirely without remuneration. Approximately 150 patients each month were treated by our personnel at Yvetot and St. Valery. Dr. Fitch's entire service as director of this unit was given to the American Red Cross without any financial compensation.

BELGIAN UNITS NO. 1 AND NO. 2.

On April 17, 4 surgeons and 24 nurses sailed from New York for Liverpool en route to La Panne, Belgium, in compliance with a request from Dr. De Page, of the Belgian Red Cross. This group was known as American Red Cross Belgian units No. 1 and No. 2. As related elsewhere, Dr. Robert W. Hinds and Dr. Wm. T. Fitzsimons, of the units at Paignton, England, joined this party at Liverpool. While in London arranging for the necessary papers to permit the group to cross the English Channel and proceed to La Panne, Dr. Hinds was appointed director of both units, vice Dr. Albert R. Goodman, who was obliged to return to the United States.

The detachment reached La Panne on May 19, and was assigned to duty by Dr. De Page in the Hospital L'Ocean, where they are now

Digitized by Google

working in a well-organized hospital, with modern equipment and a bed capacity of 1,200. The hospital is on the seacoast, about 4 miles northwest of Nieuport, Belgium. A large number of cases have been cared for at this hospital, but inasmuch as the records are not kept by the American Red Cross personnel, but by Belgian officials, detailed figures, etc., are not available at the present time. It is the intention to withdraw from La Panne not later than May 15, 1916, when our staff will have served there for one year.

The original Belgian units which reported at La Panne were: Dr. Robert W. Hinds, of Buffalo, N. Y., director; Dr. Wm. T. Fitzsimons, of Kansas City, Mo.; Dr. Wm. H. Morriss, of Baltimore, Md.; Dr. Earl V. Morrow, of Portland, Oreg.; Dr. John D. Spelman, of Cincinnati, Ohio, and 24 American Red Cross nurses, in charge of Miss Dorothy M. Feree, of Philadelphia, Pa., as supervising nurse.

Dr. Hinds left La Panne August 20 and reached the United States September 24, turning over the unit to Dr. Fitzsimons.

Dr. John D. Spelman left La Panne August 27, sailed from Marseille September 4, and landed in New York September 23.

Dr. William H. Morriss left La Panne August 20 and arrived in New York September 8.

Dr. William G. Crumley joined the Belgian units July 21 by transfer from our English units. Dr. A. N. Dykes reported at La Panne October 8, from Paignton, England, with five nurses. Dr. Fitzsimons and Dr. Crumley left La Panne November 1 and arrived in the United States December 1. Dr. Earl V. Morrow has succeeded to the directorship.

On December 4 Dr. Wm. Arthur Clark, of Chicago, Ill., and Dr. Ralph McReynolds, of Kirksville, Mo., sailed on the steamship *La Touraine* for Bordeaux, France, en route to La Panne, Belgium, vice Drs. Fitzsimons and Crumley, returned. They reported at La Panne December 24, 1915.

MABEL GROUITCH BABY HOSPITAL.

Early in July Mme. Slavko Grouitch, wife of the under secretary of foreign affairs in Serbia, turned over a sum of money to the American Red Cross, and requested it to organize a unit to consist of two doctors and two nurses to proceed to Serbia with the necessary equipment and supplies to establish a hospital for infants and young children. These funds were collected as a result of the labors of Mme. Grouitch from philanthropic people in the United States, and from time to time since then other donations for the hospital have come in which have been added to the fund.

Dr. Louise Tayler Jones, of Washington, D. C., on Mme. Grouitch's request, volunteered to proceed to Serbia as medical director and organize the hospital, and Dr. Catherine Travis, of New Britain, Conn., was appointed assistant. Mrs. Maud Metcalf and Miss Grace Utley, two American Red Cross nurses, were assigned to duty as the nursing personnel of the hospital.

Drs. Jones and Travis sailed on the steamship *Vasilefs Constantinos*, of the National Steam Navigation Co., of Greece, July 19 for Piræus, and reached Athens August 4. From there they proceeded to Nish, the temporary capital of Serbia, which they reached August 10.

Digitized by Google

The two nurses sailed July 30 on the steamship *Patris*, of the Greek Line, with the entire equipment and the supplies for the hospital. They reported to Dr. Jones at Nish August 25.

About August 30 Mme. Grouitch arrived in Serbia with Miss Elizabeth Shelley, an American lady, who had been acting as her secretary in the United States, and who proceeded to Serbia to work in the baby hospital as a volunteer nurse.

The hospital was open at Nish for the reception of patients August 20, 1915, under the name of the Mable Grouitch Baby Hospital.

Dr. Jones, after giving the hospital a good start, sailed from Saloniki, Greece, September 30, and reported in the United States October 22. She was succeeded by Dr. Catherine Travis as director. Very soon afterwards the Austro-German attack on Serbia commenced, and on October 13 the baby hospital ceased to exist as such and became a field ambulance to care for sick and wounded Serbian soldiers. Advices received from Dr. Travis inform us that the entire personnel has been in Nish, Serbia, ever since that place was captured by the Bulgarians in October. On November 30 the nurses were instructed to proceed to Sofia, Bulgaria, and report for temporary duty with Miss Helen Scott Hay, of the American Red Cross, who has been there since June, 1915, training nurses for the Bulgarian Red Cross service. However, up to December 31 it had not been practicable for them to leave Nish.

The figures given, which show the work accomplished by our various units in Europe, in some instances are not absolutely accurate, as all of the final official reports of the directors have not been received. Wherever this has been the case the figures have been compiled from the monthly reports. A revision will be made when the completed reports arrive; but this, it is believed, will result in an increase rather than in a reduction in the figures given. Interesting as an analysis of these various reports to show classification of wounds, the nature of the missiles causing the same, methods of treatment, and other professional observations would be, it is not considered desirable to embody in this report. A special report on this subject, however, will be made to the central committee at a later date.

There has been no attempt made to cover accurately the changes in the status of the nurses belonging to the units for the reason that this subject will be taken up by Miss Delano, who is in charge of the American Red Cross nursing service, in her report.

Seventy-five surgeons and 255 nurses, exclusive of the sanitary commission, have been sent to Europe in our hospital units to date. We have made every effort consistent with efficiency to have each State in the Union represented on our surgical staff, and the 75 surgeons appointed were from the following States: New York, Illinois, Massachusetts, Maine, Maryland, Pennsylvania, Minnesota, Michigan, Georgia, Texas, Kansas, Tennessee, Ohio, Washington, Louisiana, Rhode Island, Alabama, Connecticut, California, Colorado, Indiana, New Jersey, Virginia, Oklahoma, South Carolina, Oregon, Missouri, and the District of Columbia.

According to the most reliable information it is conservatively estimated that not less than 30,000 sick and wounded soldiers of various nationalities have been treated in Europe by the American Red Cross personnel.

Digitized by Google

EUROPEAN RELIEF SHIPMENTS.

The first donations of supplies sent to Europe after the outbreak of the war were shipped on the steamship *Ioannina*, of the National Steam Navigation Co. (Ltd.), of Greece, September 7, and on the steamship *Red Cross*, September 13, 1914. Including these 150 shipments have been forwarded up to December 1 of the current year. While a large majority of these supplies were delivered to the Red Cross societies of the various belligerent nations, in many instances they were sent to certain specially designated hospitals. Whenever it has been practicable, donations received and forwarded have been carefully marked for individuals or institutions and those for whom donors intended them. Full information is always given in detail on the shipping lists to consignees or to forwarding agents in Europe. It has been possible to effect exact delivery of nearly every donation. The receipt of more than two-thirds of these shipments has been acknowledged, and reports of the arrival of the others will reach us in due season. It is remarkable that so many have been acknowledged when we consider the abnormal conditions existing in the war zone.

The countries to which shipments have been forwarded include Armenia, Austria, Belgium, England, France, Germany, Holland, Italy, Montenegro, Poland, Russia, Serbia, and Turkey. A shipment for Bulgaria has been at our warehouse in Brooklyn for some time awaiting a permit from the British Embassy.

The total cost of the shipments amounts to $1,245,174.87, including some purchases of antitoxins made by the German and Austrian Red Cross societies, valued at $264,539.15. These figures, however, do not include the freight charges paid by the American Red Cross on these shipments. The total number of pieces forwarded was 25,259 packages, bales, boxes, etc., aggregating a gross weight of 3,851,415 pounds.

In addition to the supplies sent to Europe, since the 10th of last June five shipments of hospital supplies have been forwarded to Vera Cruz, Mexico, for the English, French, Spanish, and American hospitals in Mexico City. On the 17th of November a consignment of hospital supplies was dispatched for the Hospice St. François de Sales, at Port au Prince, Haiti.

In many of our shipments we have included articles which had been specially requested by the directors of our hospital units, and in every instance, with one exception, they reached their destination. A detailed list of the shipments would unnecessarily lengthen this report and will therefore be omitted.

It is earnestly hoped that funds and other donations will be made to the American Red Cross, so that this important work may continue and supplies be forwarded to the Red Cross societies of the various belligerent countries until the termination of the war.

Renewed efforts have been made to increase the number of committees on Red Cross medical work organized in the city and county medical societies of the various States of the Union. To date the organization of 569 of these committees has been completed, an increase over the previous year of 114. The response to the request for such an organization (which has been made with the active cooperation of the American Medical Association, and is based on a

Digitized by Google

circular issued by a special Red Cross committee of that body) has been most gratifying in some States. The highest number of committees is organized in Illinois, where there are 43, closely followed by Indiana with 42, and Texas with 41. However, as there are approximately 2,200 medical societies in the United States, it is evident that there is still much to be accomplished.

Since the outbreak of the war, August 1, 1914, 3,555 individuals have offered their services to the American Red Cross for relief work in Europe, of whom 2,249 were physicians and 1,306 were laymen with various qualifications.

AMERICAN RED CROSS SANITARY COMMISSION.

On March 4, 1915, the Rockefeller Foundation, in New York City, received a cable from Bucharest, Roumania, signed by Mr. E. P. Bicknell, of the American Red Cross, and Mr. William James, two of the members of the European relief commission of the Rockefeller Foundation. The cable stated that there was great destitution in Servia, and that the entire war situation was overshadowed by the prevalence of epidemic diseases; that typhus and typhoid fever were widespread and Asiatic cholera was imminent; that more than 60 physicians, including several American and other foreign doctors, had died of typhus fever; and, finally, advised that the Rockefeller Foundation institute some relief measures to prevent further spread of these diseases, which the Servian Government was unable to cope with at that time. It was feared that the epidemic might eventually spread to other countries in Europe. The Rockefeller Foundation proposed that the American Red Cross act as their agents in the matter, and stated that they would be willing to help the American Red Cross to finance a sanitary commission if they would organize such a body to proceed to Servia with adequate equipment and supplies. This offer of the Rockefeller Foundation was accepted and the American Red Cross and the Rockefeller Foundation appropriated $25,000 each toward the initial expenses of the commission. Subsequent appropriations have been made by the Rockefeller Foundation as required.

Dr. Richard P. Strong, professor of tropical medicine at Harvard University Medical School, was offered the position of director, which he accepted. He sailed for Europe on March 17 with Mr. Charles S. Eby, who was to act as disbursing officer. The remainder of the commission, under Dr. Thomas W. Jackson, the chief sanitary inspector, sailed from New York April 3, 1915, on the steamship *Duca d'Aosta*, for Naples, Italy, en route to Saloniki, Greece. The group with Dr. Jackson was made up of the following gentlemen: Dr. Hans Zinsser, bacteriologist; Dr. Andrew W. Sellards, clinical laboratory assistant; Dr. George C. Shattuck, clinical assistant; Dr. B. W. Caldwell, hospital administrator; Dr. Francis B. Grinnell, assistant sanitary inspector; Mr. W. S. Standifer, assistant sanitary inspector; Mr. Luis de la Pena, assistant sanitary inspector; and Mr. Hobart D. Brink, storekeeper.

One laboratory equipment was shipped with the party which sailed on the *Duca d'Aosta*. A large shipment of supplies for the commission went forward on the Greek Line steamship *Patris* March 31. These supplies were 50 tons of sulphur, 2 tons of paper in rolls, 20 barrels flour, 300 iron pans, 200 Dutch ovens, 2 barrels denatured

Digitized by Google

alcohol, 40 gallons alcohol, 20 bottles alcohol, 20 sectional ladders, 200 whitewash brushes, 200,000 bichloride tablets, 20 barrels phinotus oil, 40 pounds permanganate of potassium, 200 gallons formalin, 800 pounds washing soda, 20 bath tubs, 1 gallon acetic acid, 400 5-gallon tins petroleum, 20 rolls adhesive plaster, 40 2-ounce jars mercurial ointment, 1 Ford motor truck, 2 large vats or sugar boilers, 3 tool chests, laundry apparatus, 6 tents for personnel, 20 tents for hospitals, 1 United States Army surgical and medical equipment, 1 mess chest, cots, uniforms, duffle bags, and blankets for personnel. There were also hair clippers, brushes, mosquito bars, and one complete laboratory equipment for bacteriological and scientific research shipped on the same vessel.

While en route to Europe, Dr. Strong was advised that England and France were sending similar commissions into Serbia, and he was instructed to proceed to Paris to ascertain if some arrangement could not be made whereby all three commissions could be united. Such an agreement was reached at a conference in Paris and was afterwards consummated at Nish, when Dr. Strong arrived there April 21. The Crown Prince of Serbia was made the president; Sir Ralph Paget, vice president; and Dr. Strong, medical director of this international commission. The Serbian Government assigned the southern half, or 14 districts of Serbia, exclusively to the American Red Cross commission, the northern portion of the country being divided equally between the French and British members of the international commission. In compliance with a cable from Dr. Strong, a party of physicians, sanitary engineers, and practical sanitarians under Mr. Edward Stuart of Boston, Mass., sailed on the steamship *Athinai* for Piraeus, Greece, on May 17 with a large amount of additional sanitary supplies, which included automobile trucks and materials for driving artesian wells. This second group was composed of Mr. Edward Stuart, Mr. Clement B. Chinn, Mr. George W. Taylor, Mr. George R. Hazlehurst, Mr. Otis T. Campbell, Dr. John S. Schmitt, Dr. Albert F. Cornelius, Mr. E. H. Magoon, Mr. Charles E. Fox, Mr. J. E. Harrington, Mr. C. E. Buck, Mr. Elliot Gage, Dr. H. H. Mitchell, Dr. Fleetwood Gruver, Mr. Charles P. Crafts, Mr. E. D. Gayle, Mr. Theodore R. Schoomaker, Dr. R. W. Mendleson, Mr. Francisco P. Bravo, Dr. Stanley H. Osborn, Mr. Ralph D. Bates, Mr. R. S. Lyman, Mr. Henry E. Berger, Mr. A. W. Buck, Mr. G. W. Bakeman, and Mr. Gerald F. Laughlin.

Mr. Eby, after reaching Paris, was compelled to return to the United States on account of illness, and his place was taken by Mr. R. Ward. On June 14 Mr. Ward resigned from the commission and the funds were turned over to the custody of Mr. Tripivitch, a Serbian.

Dr. Joseph G. Hopkins, of New York, sailed to join the commission as bacteriologist on the steamship *Thessaloniki* June 18, accompanied by Mr. James S. Kean, who went in the capacity of recording secretary for the commission.

Dr. George Baehr and Dr. Harry Plotz, of the Mount Sinai Hospital, New York, sailed on the steamship *Themistocles* June 26 to join the commission. These two physicians were sent out by the Mount Sinai Hospital under a special arrangement for the purpose of confirming Dr. Plotz's discovery of the causative organism of typhus fever by further observations in the Serbian epidemic. Dr. J. S. Forbes, of Boston, Mass., sailed to join the commission on July 12

Digitized by Google

on the steamship *Athinai*. A vast amount of work was accomplished by the commission in Serbia, and the members were assigned to duty in charge of towns and districts by the director. As an example, Dr. Jackson was given supervision of the work at Skoplje; Dr. Grinnel, at Pech and adjacent territory in Montenegro; Dr. Caldwell, in Monastir and Prelip; Mr. Standifer, at Tetova, etc.

Dr. Strong left Serbia shortly after September 8 and reached the United States October 4, transferring the direction of the work to Dr. Thomas W. Jackson, who in turn was obliged to leave for the United States September 23, and was succeeded by Dr. B. W. Caldwell. On October 23, Dr. Caldwell left Saloniki, Greece, accompanied by Dr. Fleetwood Gruver and Messrs. Otis T. Campbell, Charles P. Crafts, J. E. Harrington, Francisco P. Bravo, Hobart D. Brink, and James S. Kean for Naples, Italy, en route to Berlin, Germany, to join the unit then being organized in Germany by the American Red Cross for the care of Russian prisoners in Germany. Their arrival in Berlin was reported November 4, 1915. On November 30, a cable was sent to Berlin recalling this group to the United States. Mr. Edward Stuart became director of the commission on the departure of Dr. Caldwell for Berlin.

Unfortunately the military situation in Serbia made it impossible for the commission to do sanitary work of any real value after the middle of the month of October.

The following members of the commission have already returned to the United States: Dr. Richard P. Strong, Dr. Andrew W. Sellards, Dr. J. G. Hopkins, Dr. George C. Shattuck, Dr. Hans Zinsser, Dr. Francis B. Grinnell, Mr. Clement B. Chinn, Mr. George W. Taylor, Dr. Thomas W. Jackson, Mr. E. D. Gayle, Mr. W. D. Standifer, Mr. R. S. Lyman, Mr. George H. Hazlehurst, Mr. Francisco P. Bravo, and Dr. H. H. Mitchell.

Drs. Plotz, Baehr, Osborn, Mendelson, Cornelius, and Mr. Fox remained in Uskub when that town was captured by the Bulgarian forces in October, at which time they were assisting Lady Ralph Paget in her hospital. According to latest advices they are still in Uskub. Dr. John Szymanske Schmitt, of the commission, who was in Belgrade at the time that city was occupied by the Austro-German forces, attached himself to the American Red Cross hospital under Dr. Ryan and is returning to the United States with that group. On October 29 we were advised by cable that 10 members of the commission under Mr. Stuart were withdrawing from Serbia via Monastir to Saloniki. Five of the commission sailed from Saloniki under Mr. G. W. Bakeman about November 26 for Naples, Italy, en route to the United States, but three were directed to return from Naples to join Mr. Stuart. The commission was formally disbanded on November 30. Four of the former members have gone to Albania with Mr. Stuart to investigate and report on sanitary conditions in that country. The group with Mr. Stuart have been designated as distributing agents for American Red Cross supplies in Serbia, Greece, and Albania. Dr. Forbes remained in Monastir after it was captured by Bulgarian forces and is in charge of a hospital with wounded Serbian soldiers.

Digitized by Google

THE FIRST-AID DEPARTMENT OF THE BUREAU.

There has been a steady and healthy growth in all of the activities of this department during the past year.

PERSONNEL.

In addition to the officer in charge of the department, the professional personnel consists of the following: Dr. Matthew J. Shields, Dr. William T. Davis, Dr. William N. Lipscomb, Dr. Wilbur E. Turner, and Mr. Wilbert E. Longfellow.

The office force includes a secretary, a superintendent of supplies, two clerks, and one laborer.

The services of two of our physicians have been utilized on the first-aid cars, the others on special detail work. Mr. Longfellow, as in the past, has been organizing the life-saving work. Dr. Wilbur E. Turner, of Muncy, Pa., joined the staff of the first-aid department July 12, 1915.

AFFILIATIONS.

Cooperation has been continued with the Young Men's Christian Association, the Young Women's Christian Association, Boy Scouts of America, and the Girl Scouts of America. In the current year to date joint certificates in first aid have been issued by the international committee of the Young Men's Christian Association and the American Red Cross to the number of 548, and about 839 joint certificates by the National Board of the Young Women's Christian Association and the Red Cross.

Not only have a greater number of first-aid classes been organized and instructed during the past year, but more certificates have been issued to successful candidates than for the previous year. The total number of certificates of proficiency in first aid issued to date this year is 2,131, 847 being to men and 1,284 to women, or an increase of 757 over 1914.

One certificate of appreciation has been granted during the year. This was awarded to Dr. J. W. Amesse, of Denver, Colo., who for more than three years has given his unremunerated services as an instructor of first-aid classes and as a judge at first-aid contests for the American Red Cross.

RAILROADS.

As usual, both of the cars have been constantly in service, with the exception of the period from July 20 to August 20, when car No. 2 was placed in the Pullman shops at Buffalo, N. Y., and thoroughly overhauled.

Since the annual report which covered the operations of the department to December 1, 1914, American Red Cross car No. 2 has been over the following railroads:

The Chicago & Alton, Union Pacific, Oregon Short Line, Oregon-Washington Railroad & Navigation Co., and Chicago Great Western Railroad. The eastern, Gulf, and western portions of the Santa Fe have recently been finished and the car is at present on the Pacific coast lines of that system. When the trip on the Santa Fe is ended

Digitized by Google

the car will make a tour of the San Pedro, Los Angeles & Salt Lake Railroad, to terminate at Salt Lake City shortly after the New Year.

At the time of the annual meeting in last December, car No. 3 was operating on the Atlantic Coast Line, and since then has covered the following important railroads: Louisville & Nashville; Queen & Crescent; Central Railroad of Georgia; Seaboard Air Line; the Western Maryland; the Norfolk & Western; Cumberland Valley; the Cleveland, Cincinnati, Chicago & St. Louis; and has been on the Wabash Railroad since November 8. The tour on the Wabash will terminate January 7, 1916.

A most satisfactory showing has been made by these two cars during the year. Between December 1, 1914, and November 20, 1915, the doctors in charge of these cars instructed 46,839 railroad employees in first aid to the injured and accident prevention. To do this it was necessary to travel 22,977 miles and to give 818 lectures and demonstrations. The department still receives very little return for the faithful service which it gives to the railroads of the country. Few purchases of first-aid supplies are made from our supply department by railroads. Nearly every railroad desires to carry its own particular first-aid box instead of being willing to accept a standard box which could be used by all railroads.

That there should be no lessening of our interest in the work of railroads will be evident to all when we consider the number of accidents which occur annually on or in connection with railroads. According to the Interstate Commerce Commission report for 1914 there were 202,964 persons injured in accidents for that year, 10,302 of whom were killed. It is encouraging, however, to note that these figures show a decrease of 662 persons killed and 71,646 injured compared with 1913. Analyzing the figures of the report it will be noted that of the 10,302 killed, 265 were passengers, 3,259 employees, and 6,778 were other persons or trespassers. Of the 192,662 injured, 15,121 were passengers, 165,212 employees, and the remaining 12,329 trespassers or other persons.

One of the railroads most actively interested in the safety-first movement and instruction in first aid to the injured is the Buffalo, Rochester & Pittsburgh Railway. The meet which was held this year took place at Dubois, Pa., August 11. Maj. Patterson and Dr. Shields, of the American Red Cross, were in charge of the judging with the cooperation of a number of local physicians. The contest was a very close one and resulted in the first prize being awarded to the DuBois Locomobile shop team, second prize being awarded to the Punxsutawney team, and third prize to the East Salamanca team. It would be an excellent thing if other railroads in the country would follow the example of the Buffalo, Rochester & Pittsburgh Railway and hold similar contests. By the award-of-merit badges, increasing the salary of foremen whose efforts for safety result in a reduction in the number of accidents among men working under them, and by other legitimate means, interest in accident prevention, and first-aid instruction can be maintained.

Digitized by Google

MINES.

One of the physicians of the department was loaned to the Bureau of Mines and placed on duty on mine rescue car No. 6 for a period of seven weeks to teach first-aid methods to miners in the Pennsylvania coal fields.

In every way we have endeavored to continue to cooperate with mine owners and operators and with the Federal Bureau of Mines in the endeavor to teach miners first aid to the injured and accident prevention.

Fifty-one American Red Cross prize medals and 75 prize certificates have been awarded and American Red Cross judges supplied at the following first-aid meets: Huntington, W. Va., May 14, 1915; Pineville, Ky., May 15, 1915; Birmingham, Ala., May 29, 1915; Cle Elum, Wash., July 31, 1915; Dubois, Pa., August 11, 1915; Ironwood, Mich., September 6, 1915; San Francisco, Cal., September 22, 23, 24, 1915; Boswell, Pa., October 4, 1915; and Bicknell, Ind., October 30, 1915.

The most important series of first-aid contests that has ever been held in the United States took place on September 22, 23, and 24, 1915, on the polo grounds at the Panama-Pacific Exposition at San Francisco, Cal. Early in the year, at the request of the California Metal Producers' Association, the Bureau of Mines, and the American Mine Safety Association, the American Red Cross was requested to take charge of the judging at San Francisco. Maj. Patterson was detailed for this duty. On September 22, under the auspices of the California Metal Producers' Association, the first competition took place, which was limited to teams in the State of California. On the 23d teams representing different States competed in an elimination contest to determine the particular team from each State which would represent it in the final contest. The deciding events were run off September 24 and were very closely contested. The work of all of the teams was most creditable. The winning teams in the final contest in the order in which they finished were the following: The Homestake Mining Co., of Lead, S. Dak.; Nevada Consolidated Copper Co., McGill, Nev.; Mammoth Copper Mine Co., Kennett, Cal.

According to the most reliable information this was the first time in the history of first-aid contests in this country where there were more judges available than there were teams. This very satisfactory state of affairs was largely due to the active cooperation of Dr. C. C. Pierce, United States Public Health Service; Dr. René Bine, of San Francisco; and Capt. George H. Richardson, medical corps, National Guard of California, who assisted Maj. Patterson in obtaining the judges.

In spite of the increased activity and interest in instruction in first aid to the injured and in accident prevention among mine operators and employees, the fatalities and injuries due to accidents in the mining industry still continue to be entirely too large. In 1914 out of a total of 742,644 men employed in coal mines in the United States, 2,451 were killed. This is a slight decrease in the death rate compared with 1913, the rate for 1914 being 3.30 per thousand, and for 1913, 3.73 per thousand. It may graphically be stated that for every 200,000 short tons of coal produced one coal miner dies. According

Digitized by Google

to the figures of the Bureau of Mines in 1913, among 193,088 men employed in the metal mines of the country, 683 were killed and 3,971 injured.

"WATER" FIRST AID.

This phase of the activities of the department may now very properly be considered as no longer in the experimental stage. In the 22 months since its inception a great deal has been accomplished. During the 11 months ending November 30, 1915, local life-saving corps have been started in the following cities, where Mr. Longfellow has been detailed for service for varying periods of time: Jacksonville, St. Augustine, Miami, Key West, Petersburg, Palatka, and Pensacola, Fla.; Savannah, Ga.; Norfolk, Va.; Pittsburgh, Pa.; Washington, D. C.; Chicago, Ill.; Detroit, Mich.; Toledo and Cleveland, Ohio. The visit to the National Capital was made during the months of July and August, and was carried on with the vigorous support of Maj. Pullman, superintendent of the Metropolitan police, in an effort to reduce the number of drowning accidents in the Potomac River and bodies of water adjacent to Washington. Already several rescues have been recorded following this instruction which was given not only to civilians but to the entire police force of the District.

Since January 1, 1915, 56 organizations have been started, of which 18 have been complied with all of the requirements and have had charters granted. The membership of the life-saving corps has been increased by 409. The total number of organized corps to date is 86 and the total membership 677.

From time to time we hear of lives that have been saved as a direct result of Red Cross instruction. It was a pleasure to be able to award the prize for the best instance of life saving in 1914 to Mr. John C. Marshall, of Palatka, Fla., a member of the Jacksonville life-saving corps, who rescued Mr. D. R. Coulter from drowning in the St. Johns River, Jacksonville, Fla., on the night of December 14, 1914, at the risk of his own life.

LUMBER.

For more than 18 months previous to June, 1915, the American Red Cross endeavored to enlist the interest and financial cooperation of those engaged in the lumber industry of the United States, and induce them to join the American Red Cross in a sytematic campaign of instruction in accident prevention and first aid to the injured among the employees of logging camps and lumber mills. Finding that it was practically impossible to obtain their financial cooperation, it was decided to inaugurate the instruction ourselves, hoping that a demonstration of its usefulness would convince those who employ lumbermen of the practical and economic value of such work, and appeal to them through their pockets, if not on purely humanitarian grounds. Accordingly, early in June, 1915, Dr. W. N. Lipscomb was detached from American Red Cross car No. 2 and directed to take charge of this work. As an attraction in launching the undertaking it seemed desirable to have one of our railroad first-aid cars attached to the lumber service for the first month, and Dr. Davis, with car No. 2,

Digitized by Google

was directed to remain in Washington State and cooperate with Dr. Lipscomb until the middle of July. There are more men employed in the logging camps, sawmills, and lumber yards of the State of Washington than any other State. For that reason Washington was selected as the one in which to start our campaign. Very fortunately for the plans of the American Red Cross many influential citizens of that State have become interested in the work, and have given it their moral as well as personal support. Mr. Clarence Parker, of the Industrial Insurance Commission of the State of Washington; Dr. James Yocum, and Dr. A. J. McIntyre, respectively, president and secretary of the Industrial Surgeons' Association of Washington; Mr. G. M. Cornwall, editor of the Timberman; and Mr. Robert B. Allen, editor of the West Coast Lumberman; and many members of the West Coast Lumber Manufacturers' Association have endeavored to forward Dr. Lipscomb's work by publicity, and by personal service whenever necessary to give it the desired impetus.

The first lectures and demonstrations by Drs. Lipscomb and Davis were given at Camp No. 5 of the St. Paul & Tacoma Lumber Co., at Orting, Wash., followed by lumber companies at Paulson and at Hoquiam and Aberdeen, in the Grays Harbor district.

Since the inauguration of the work in June this year and up to November 20, Dr. Lipscomb has given instruction to lumbermen in the Grays Harbor district, at Montesane, Seattle, Everett, the Arlington district, Sedro Woolley district, and at Tacoma and its vicinity. In covering this territory he has visited 76 logging camps and lumber mills, and has instructed 7,265 lumbermen. While instructing lumbermen, he has taken time to teach a large number of special classes among other industries. Fifty-six classes were held while he was in Seattle, and similar demonstrations were made in the Tacoma-Mount Rainier district, at the Tacoma Young Men's Christian Association and at stations of the fire department.

From October 21 to 23 Dr. Lipscomb represented the American Red Cross at the seventh session of the Pacific Logging Congress and gave two first-aid demonstrations to the members of the congress. As a result of his experience in the State of Washngton he was able to place before the members of the congress facts showing the benefits to be derived from first-aid instruction in such a convincing manner that a great deal of interest has been raised in the States of Washington, Oregon, California, Idaho, and Montana. It is very probable that some plan of cooperation will be reached between the lumber companies and the Red Cross whereby work similar to that in the State of Washington will be inaugurated in the other States.

It will be interesting to see what the accident figures among the lumbermen of the State of Washington will be for the calendar year 1916, as compared with those for 1914 and 1915. The latest available statistics, which appear in the July 1 issue of the West Coast Lumberman, state that according to the Industrial Insurance Association of the State of Washington, in the first five months of 1914, all the industries in that State employed about 181,000 men, 35 per cent of which (or 63,350) were in the lumber industry. Among these men in the same period of time, there were a total of 4,928 accidents. Although this was a marked reduction over the previous year, the figures were only seemingly better, as a less number of men were employed in 1914 than in 1913.

Digitized by Google

SPECIAL WORK.

Dr. William T. Davis was detached from Bureau of Mines rescue car No. 6 on February 6, 1915, and reached New York City February 7. For the following month Dr. Davis gave courses of instruction in accident prevention and first-aid to the injured to sailors at the Seamen's Church Institute. When that detail was finished he returned to the Bureau of Mines car in Pennsylvania. Through the courtesy of Surg. Gen. Blue, of the United States Public Health Service, it has been arranged that courses in first-aid at the Seamen's Church Institute will be given by surgeons of the United States Public Health Service. Surg. M. H. Foster, the Public Health surgeon, who is stationed at the Port of New York (Stapleton), has been detailed for this work in addition to his other duties. A series of five lectures has been so arranged that any sailor who returns to New York can take any particular lecture needed to complete his course. If he passes a successful examination he will be granted an American Red Cross certificate of proficiency in first aid.

Dr. Davis was again relieved from Bureau of Mines car No. 6 and ordered to New York where he reported April 15, to conduct a series of lectures and demonstrations for the employees of the Brooklyn Edison Illuminating Co., of Brooklyn, N. Y. This is the second year that such instruction has been given to the employees of that company by Dr. Davis. He remained with the company until May 29 and delivered 84 lectures, with an aggregate attendance of 2,504.

On October 14 Dr. M. J. Shields reported in Washington, D. C., for the purpose of giving first-aid instruction to the Metropolitan police, upon the request of Maj. Raymond W. Pullman, superintendent of police. Dr. Shields completed his work on November 4, during which time he held 29 meetings and instructed 28 captains, lieutenants, and 151 privates, with an aggregate attendance at lectures of 1,488.

PANAMA-PACIFIC EXPOSITION.

At the American Red Cross exhibit at the Panama-Pacific Exposition a full exhibit was made by the first-aid department. This consisted of samples of all boxes, special dressings, bandages, etc., of the first-aid supplies. A series of pictures illustrating various phases of first-aid work, including instruction in mines, railroads, quarries, electrical concerns, and other industries, and 41 beautifully colored transparencies were shown on a revolving case and in a specially built cabinet, respectively. A moving picture film which had been specially posed for our exhibit was shown daily. The film illustrated land and water first-aid instruction and its practical application. A number of medals were awarded to the Red Cross exhibit by the board of awards of the exposition.

ANOTHER INDUSTRY NEEDING HELP.

In the quarries of the United States, which include limestone, sandstone, cement, rock, and granite, there were 183 men killed, 1,092 seriously injured, and 6,647 slightly injured among 106,278 men employed during 1913. This is an industry to which the first-aid department would like to extend its work, but is unable to do so at present owing to the lack of funds to employ an additional physician to detail for the purpose.

Digitized by Google

PRIZES.

For the best instances of first-aid work performed by railroad employees during the calendar year 1914, paid from the special fund known as the William Howard Taft fund:

First prize, $50, to brakemen James Haley, of the Buffalo, Rochester & Pittsburgh Railway, for saving the life of one John Protti by giving him prompt first-aid treatment following an accident on October 31, 1914, in which his leg was crushed.

Second prize, $25, to Conductor Clarence J. Widner, of the Buffalo, Rochester & Pittsburgh Railway, for excellent work in rendering first aid to Burt Meyers, cook on train No. 106, of that road, on March 27, 1914.

Third prize, $15, to William P. Flennard, employed at the Pennsylvania Railroad shops at Trenton, N. J., for excellent first-aid work performed on fellow workmen during the calendar year 1914.

Fourth prize, $10, to Christian D. Fisher, of the Pennsylvania Railroad shops at Camden, N. J., for excellent first-aid work performed on efllow workmen during the calendar year 1914.

Prizes for the best instances of first-aid work performed during the calendar year 1914 (exclusive of railroad employees) were awarded as follows:

First prize, $50, divided among Messrs. J. H. Burt, H. H. S. Gimber, Joseph H. Shook, and Francis Hagan, jr., employees of the Berwind-White Coal Mining Co., who saved the life of Urban E. Reaval, who had been rendered unconscious by a stroke of lightning during a storm at Recreation Park, Windber, Pa., August 2, 1914. Their prompt action in performing artificial respiration and continuing to do so, although he was apparently dead, undoubtedly saved Mr. Reaval's life.

Second prize, $25, awarded to George B. Church of the Atcheson Graphite Co., of Niagara Falls, N. Y., for resuscitating Mr. Joe Winker on October 7, 1914, who was overcome by gasoline fumes in a tank car at Niagara Falls.

Third prize, $15, divided among Officers Michael J. Cooney, Edward Shea, and Joseph P. Stafford, members of the police department of Baltimore, Md., for performing artificial respiration and resuscitating one Margaret Solten, 645 West Baltimore Street, Baltimore, Md., who was found unconscious from illuminating gas at that address on the morning of March 26, 1914.

Fourth prize, $10, to Noah Barker, of Seevers, Iowa, for many instances of excellent first-aid work performed during the calendar year 1914 among miners of that vicinity.

That there are still other fields of endeavor besides the quarry industry inviting the attention of the first-aid department that we have not yet been able to reach will be seen from the following figures, taken from the Bureau of Census statistics for 1913 (which now comprise a registration area of 65 per cent of the total population of the United States): One thousand nine hundred and ninety-eight deaths from street car accidents, 2,488 deaths from automobile accidents, 2,381 deaths caused by other vehicles, and 987 killed by lightning and electric shock.

It is significant that the year 1913 is the first year in which the number of deaths from automobile accidents exceeds that for other

Digitized by Google

vehicles. This, of course, can largely be accounted for by the fact that the use of automobiles is annually increasing. In deaths from other vehicles are included all horse-drawn vehicles, bicycles, and motorcycles.

SUPPLIES.

From a business standpoint the growth of the department has been most creditable since its inauguration in 1910. That the increase has been very marked the figures given in later paragraphs of this report will show.

Among the first-aid boxes, the telephone, the household B, and the industrial boxes have been the best sellers, and the finger dressings and iodine containers in the special supplies. A number of special boxes for industrial concerns have been put up in small quantities.

Last year the profits on the sale of supplies was sufficient to pay the entire office expense of the bureau of medical service. These expenses included salaries of clerks, laborers, the janitor; our share of the rent, heating, lighting, and water tax; examiner's fees; freight, expressage, telephone, and telegraphic service; postage; printing; office stationery, furniture, and office supplies; medals, etc. This year the profit from the sale of first-aid supplies and from fees for first-aid classes is $5,879.24 in excess of all the office expenses detailed in the foregoing sentence. The surplus of the profits is therefore returnable to the general fund of the American Red Cross. This refund to the general fund will assist materially toward the payment of the salaries of the field staff (the doctors and the life-saving expert) or those employed outside of the Washington office. Three thousand and two hundred dollars, or a sum sufficient, to pay the salary and living expenses of one surgeon on the first-aid cars, was donated in February, 1915, by Mrs. E. H. Harriman, of New York, who has taken a special interest in the work of the department among railroad employees.

Until the time arrives when the profits on the sale of first-aid materials and the income from first-aid classes will be sufficient to pay the salaries of all the doctors, the department will need financial assistance from the general fund. However, if the work is to be extended so that we can take in all of the various industries requiring assistance, many more doctors must be employed and it will be many years before the income will permit the work to be carried on without financial assistance, unless the scope of our work is to be limited.

The receipts from the sale of supplies alone for the full year of 1914 were $18,116.60. For the calendar year ending December 31, 1915, they are $31,500.14, or a gain in sales of 65+ per cent. The gross profits for the sale of supplies for the entire year of 1914 was $4,567.52, while for the year ending December 31, 1915, the gross profits have been $11,799.46, or a gain over the previous year of 136+ per cent.

Digitized by Google

REPORT OF THE NATIONAL COMMITTEE ON RED CROSS NURSING SERVICE.

JANE A. DELANO, Chairman.

European relief work during the past year has rather overshadowed other Red Cross activities. Our State and local committees on nursing service have met all demands made upon them for nurses and have maintained during the entire year a long waiting list of nurses willing to accept service in the various European countries. Members of committees and enrolled Red Cross nurses throughout the country have served on supply committees and given instructions to groups of volunteer workers in the preparation of hospital supplies and surgical dressings. In some instances they have been placed in charge of chapter headquarters for European relief and have proven invaluable in the organization of the work.

MEETINGS.

A semiannual meeting of the national committee was not called at the time of the meeting of the American Nurses' Association, which was held in San Francisco in April of this year, as it was impossible for the chairman to leave Washington for so long a journey.

The second semiannual meeting was, however, held in Washington on December 7. Delegates to the annual meeting from State nurses' associations and members of nursing committees in attendance at the annual meeting were asked to a conference with the national committee in order that we might have the benefit of their experience and advice.

PERSONNEL.

There has been no change in the personnel of the national committee during the past year. One of the members, Miss Mary E. Gladwin, volunteered for European service, and has been supervising nurse of our unit in Belgrade, Serbia, during the entire period of their assignment to that country.

The success of this unit has been due in no small measure to her ability as an organizer and the splendid spirit of self-sacrifice which she has shown under the most trying conditions. She has faced undaunted serious illness among the members of her unit, as well as dangers from disease and battle, and is now on her way home with the ranks of our Serbian nurses unbroken either by accident or disease.

We have 40 State and 74 local committees, covering all large nursing centers in the United States, with a total enrollment of over 6,100 Red Cross nurses. With this large number on file no special effort has been made during the past year to add greatly to the list, but we have striven to increase the efficiency of our committees, feeling sure that should our country be confronted by some definite need we should be able to reach expeditiously, through well-trained committees, the entire nursing personnel in the country.

Digitized by Google

DELEGATES TO ANNUAL MEETING, 1915.

Each State nurses' association organized for Red Cross service is entitled to send a delegate to the annual meeting of the American Red Cross, and the following are in attendance: Miss Harriet Gregory, Connecticut; Miss Ada Finley, Georgia; Miss Adelaide M. Walsh, Illinois; Miss Emma M. Hunt, Kentucky; Mrs. George F. Sargent, Maryland; Miss Elizabeth Dewey, New York; Miss Augusta Condit, Ohio; Miss Emma Nichols, Massachusetts; Miss Selma M. Dahl, Oregon; Miss Anges D. Randloph, Virginia; Miss Regina White, Wisconsin; Mrs. Minnie K. Bullard, West Virginia; Mrs. Lenah S. Higbee, Washington, D. C.; Miss Kate Fowler, California; Miss Julia C. Stimson, Missouri; Miss Katharine Brown, Pennsylvania.

GENERAL RELIEF WORK.

BROWNSVILLE, TEX.

Late in March, owing to the serious fighting across the border in Mexico and the impossibility of preventing wounded refugees from seeking shelter in Texas, it was necessary to open a temporary hospital in Brownsville, Tex. The local committee on Red Cross nursing service in Dallas, Houston, and El Paso were called upon and seven enrolled nurses reported promptly for duty. Antoinette Alschier, of Dallas, was appointed by the chairman of the national committee to act as supervisor. The nurses sent from Dallas were, in addition to Miss Alschier, Katherine Ott, Katherine Justice, Sonora Ponder; for Houston, Mrs. Lydia Drouet and Harriet Mae; from El Paso, Jessie M. Burt. They were assigned to duty late in March and the last two returned to their homes May 17, having cared for 212 serious cases, with many major operations.

EASTLAND DISASTER, CHICAGO.

On July 24 one of the large excursion steamers, which had been chartered by the employees of the Western Electric Co., overturned just before the boat was ready to leave the dock. There were about 2,500 people on board and of this number over 900 lost their lives. The accident occurred about 7 o'clock in the morning. The chairman of the local committee on Red Cross nursing service, Miss Minnie Ahrens, heard of the catastrophe on the way to her office and started at once with another nurse for the scene of the disaster. She telephoned immediately for additional nurses, not only to the headquarters of the enrolled Red Cross nurses, but to the registrar of the central directory and all public health nursing organizations. Nurses responded quickly and reported on arrival to the chairman of the committee for instructions. By 1 o'clock at least 100 nurses were on duty. They worked in a pouring rain wherever the rescued were carried, and many taken from the water before 9 o'clock were resuscitated. About noon shelter was provided in the Reed Murdock wholesale grocery building and artificial respiration, hot applications, and other emergency treatments were continued as long as there was the slightest hope. When nothing more could be done for the injured, a morgue was established at the Second Regiment Armory where

Digitized by Google

relatives could identify their dead. Five Red Cross nurses were assigned to duty in an emergency hospital at the morgue to give such care and comfort as might be possible to those who were bereaved. This emergency hospital was continued with relays of Red Cross nurses until Wednesday, July 28, all serving gratuitously. In closing her report Miss Ahrens, who had charge of the work and who rendered most efficient service, said:

It is at such a time that we realize and appreciate the value of our Red Cross nursing service. Without organization it would have been impossible to have had such cooperation.

GRAND ARMY OF THE REPUBLIC ENCAMPMENT, WASHINGTON, D. C.

When the remnant of the historic Union Army held their Forty-ninth Annual Encampment and reproduced, after the lapse of 50 years, their triumphal march through Washington in the week of September 27 to October 2, it seemed most appropriate that the American Red Cross should assign its nurses to the various relief stations which were established.

Miss Anna J. Greenlees, chairman of the local committee on nursing service, and another member, Miss Margaret Thompson, had charge of the selection and assignment of the nurses. There were four relief stations, namely, Camp Emery, Union Station, Pension Office, and the field hospital on the Mall.

Camp Emery, under the splendid supervision of Miss Josephine Johnson, assisted by seven Red Cross nurses, treated 203 patients during the week.

The Union Station hospital, under Miss Reed, with five nurses, gave relief to 65 persons.

Miss Culbertson and her two assistants at the Pension Office treated 20 patients.

Miss Melhorn, who had charge of the field hospital on the Mall, with five Red Cross nurses, had 51 cases. Of this number 45 patients were cared for in the course of three hours on the day of the parade, making a total number of 339 patients treated during the week.

Miss Greenlees, in her report of the work, said:

Our nurses never answered a call with more alacrity nor worked with greater fervor than in the service rendered the 20,000 or more veterans, and they felt that the service they gave was slight in comparison to that given for them by these veterans who offered their lives to preserve the Union that all citizens might enjoy freedom and liberty under one flag in a united country.

DEPARTMENT OF INSTRUCTION FOR WOMEN.

This department has continued, as heretofore, under the supervision of the chairman of the national committee on Red Cross nursing service, with Miss Oliver in charge of the organization of classes, who submits the following report for the year 1915:

During the past year there has been a great increase in the interests in elementary hygiene and home care of the sick. Although the number of people taking the course is no greater than last year, yet the teaching has spread in many localities and cities. At the present moment we have classes as far west as Los Angeles, Cal., as far East as New York, and from San Antonio, Tex., to Milton, Mass.

An effort has been made to introduce this teaching in the high schools of the United States, both public and private, and among the federated women's clubs. Several schools have already incorporated this course in the curriculum of their senior classes.

Digitized by Google

The course in home dietetics is also beginning to be better known, and the Red Cross is to be congratulated on having Miss Ada Z. Fish, head of department, art and home economics, William Penn High School for Girls, Philadelphia, willing to write the textbook which will be ready, we hope, by spring. The classes at the present moment are working from typewritten notes.

The course in elementary hygiene and home care of the sick does not in any way fit those taking it for professional work, but was organized purely as an educational movement. In case of war or disaster women whose names are on file at the office of instruction for women as having taken the course and passed the examination might be called upon to render such assistance as lay in their power. They could serve in minor capacities as aids to the nurses, working in surgical supply stations, as housekeepers, etc. The untrained American women will have a place in the great scheme of national preparedness, but it must be understood from the start that this place must be a minor one as far as the care of the sick is concerned.

The following is the report for the classes which have completed the course in elementary hygiene and home care of the sick and dietetics during the past year and those classes which are now in active operation:

SUMMARY OF CLASSES.

Thirty-one classes in elementary hygiene and home care of the sick, consisting of 464 members, have completed their course of instructing during the past year, and 250 certificates have been issued to those passing their examinations satisfactorily.

One class of 13 members have completed a course of instruction in home dietetics and 9 certificates have been issued.

There are 14 classes in elementary hygiene and home care of the sick now in operation, with 238 members.

EUROPEAN RELIEF.

In addition to the 126 nurses sailing on the Red Cross ship early in September of last year, 24 were sent to Serbia, 12 early in September and 12 more on November 21.

The last group did not, however, reach their destination, Gevgeli, until near the beginning of the new year.

YVETOT.

Nine nurses were sent to Yvetot, France, on February 20 at the request of Dr. Ralph Fitch, of Rochester, N. Y., who had been for some time connected with the Alliance Military Hospital, No. 41.

Miss Mary M. Fletcher, a graduate of the Allegheny General Hospital Training School, Pittsburgh, Pa., was selected as supervising nurse. Miss Fletcher was for some time superintendent of the Martha Jefferson Hospital, Charlottesville, Va., and later assistant superintendent of the University of Virginia Hospital. At the time of her appointment she held a position in the Virginia Military Institute and was granted leave of absence for European service. More than half of the nurses in this group spoke French.

Dr. Fitch severed his connection with the Yvetot hospital on August 15, 1915, and requested permission of the Red Cross to transfer our nurses to a military hospital in St. Valery, France. Six of this group offered to remain after the withdrawal of our units, October 1, and are still on duty as volunteers, or for nominal salaries, paid locally. Miss Fletcher has since married in England, and plans to return to France with her husband for volunteer relief work.

Digitized by Google

BELGIUM.

A request for two units came from Belgium toward the end of March, and 24 nurses, with Miss Dorothy Ferree as supervisor, sailed from New York April 17, 1915.

Miss Ferree graduated at the Methodist Episcopal Hospital, in Philadelphia, and has held several executive positions since graduation. She was for a time connected with the Henry Street Settlement in New York City, and resigned a position in the Henry Phipps Institute in order to accept European service under the American Red Cross.

Miss Ferree returned to the United States October 26, 1915, and Miss Vashti Bartlett, one of the nurses transferred from Pau, France, was appointed as her successor.

Miss Bartlett is a graduate of Johns Hopkins Hospital Training School; was for a time assistant superintendent of the Garfield Hospital, Washington, D. C., and resigned her position as superintendent of Watts Hospital, Durham, N. C., to accept service in Europe.

SERBIA.

At the request of Madame Grouitch the Red Cross sent two additional nurses to Nish, Serbia, to assist in the establishment of a hospital and dispensary for babies. They sailed on July 31, 1915, and Mrs. Maud Metcalf, who had recently returned from nearly a year's service with one of our units in Kiev, Russia, was sent as supervision for the hospital. She was by experience well qualified for this special work and accustomed to the trying conditions of European travel at this time. Unfortunately their work was interrupted soon after their arrival, not only by the Austrian military operations to the north, but by the entrance of Bulgaria into the war. In order to secure their protection and believing that their work would be more effectual, these nurses have been recently withdrawn to Sofia, Bulgaria.

BULGARIA.

Two of our Red Cross nurses have been in Bulgaria for several months. Miss Helen Scott Hay, who went over on the Red Cross ship as general superintendent of nurses and on duty with the Russian units for nearly a year, was transferred to Bulgaria in June, 1915, at the request of the Queen to take up the establishment of a training school for nurses, a plan interrupted by the outbreak of war last year.

Soon after her arrival the Queen asked for an additional nurse to act as assistant, and Miss Rachel Torrance, who has served under Miss Hay in Russia, was also transferred.

Since the declaration of war by Bulgaria, they have been occupied in developing a nursing service for the army from the personnel available in Bulgaria. The two nurses from Serbia will be added to this group.

We have sent to Europe since the beginning of the war 255 Red Cross nurses, 70 of this number to relieve those returning. In several instances transfers have been made from one country to another in order to lessen the cost of transportation. Six nurses were trans-

Digitized by Google

erred from Paignton, England, and six from Pau, France, to La 'anne, Belgium, to fill vacancies.

There was an outbreak of typhus fever among our nurses and doc-ors in Gevgeli, Serbia, within a few weeks after their assignment to luty. Realizing that it would take some time to send relief from America, we called on our nearest unit, the one in Pau, France, for volunteers, telling them of the situation in Serbia. Dr. Kirby-Smith, the senior medical director; Margaret Lehmann, supervising nurse of one of the Pau units; Anna C. Lofving; and Rebecca Watson expressed their willingness to go, and left promptly for Serbia.

Additional nurses were also sent from America to aid in the care of our sick personnel and to relieve those able to return. They were, of course, informed of the conditions and the service was entirely voluntary. We had no difficulty, however, in securing the desired number. They were provided with a special protective garment and given definite instructions before leaving New York in regard to the cause and prevention of typhus fever, cholera, and other diseases which they were likely to encounter. They were supplied with typewritten copies of this information and none of these nurses developed typhus.

HEALTH OF NURSES IN EUROPE.

We have had no cases of serious illness in any of our units except those assigned to Gevgeli, Serbia, and none of our nurses have died during their service in Europe.

Unfortunately our second unit arrived in Serbia just before the outbreak of the typhus epidemic. They were assigned to duty in an old tobacco factory utilized as a hospital, and I am sure that Florence Nightingale, in the Crimea, was never confronted by so hopeless a situation. There were absolutely no hospital facilities, no plumbing, no running water, only the most primitive methods of heating water, most inadequate laundry equipment and practically no clean clothing or bedding—only piles of soiled clothing which had evidently been accumulating for weeks. The building was terribly overcrowded with several thousand patients and with fever cases scattered throughout the entire hospital, many of them lying on the floor surrounded by other patients as no attempt had apparently been made to classify them.

The death rate was appalling and not even sufficient assistance available for the prompt removal and burial of the dead. Every effort was made by our unit to bring order out of this chaos. Beds and hospital furniture were improvised, patients classified and conditions generally improved when our own personnel began to fall ill.

Of the 6 doctors with this unit, 5 developed typhus, and 8 out of 12 nurses. Four nurses remained on duty during all these trying weeks, not only caring for our own people, but directing as far as possible the work of the hospital.

Four of our nurses on duty in Belgrade, Serbia, developed typhus fever later, among them Miss Rebecca Watson, who had gone as a volunteer from Pau, France. All of the nurses, however, made good recoveries and have either returned to the United States or are now on their way home.

Digitized by Google

RETURN OF THE RED CROSS NURSES FROM EUROPE.

All of the nurses sent to Europe by the American Red Cross accepted an appointment for at least six months and none asked for their relief before the expiration of this period. The majority of the nurses remained until the units were recalled, October 1, 1915.

Owing to lack of funds, the Red Cross decided to recall on October 1 all of its units with the exception of those on duty in Belgium, this unit having been sent over much later than the others.

When this notice was sent to the German authorities, they requested permission to retain such members of our units on duty both in Germany and Austria as were willing to remain for continued service in the German prison camps in Russia. The German Government offered to pay the salaries and meet all the expenses of the expedition and return the group to the United States at the expiration of their service. After conferring with the Russian Government, the Red Cross agreed to allow any of its personnel to remain who desired to do so. Thirty-eight nurses volunteered and left Germany for Petrograd late in September, and our latest advices from Russia indicate that they are now on duty in or near Moscow.

Miss Anne L. Reutinger, a graduate of the New York Hospital Training School for Nurses, was appointed supervising nurse of the entire group. She has had much experience as an executive, both in training school and hospital work, and resigned as directress of nurses in one of the New York hospitals to go to Europe last September as supervisor of unit I. Miss Reutinger's selection was most suitable, as she had filled the position of supervising nurse in Gleiwitz, Germany, for over a year with the utmost tact. Although a native-born American citizen, Miss Reutinger speaks German fluently and has been most acceptable to the officials of the German Government and the German Red Cross.

HAS THE SERVICE OF OUR NURSES IN EUROPE BEEN WORTH WHILE?

When we think of the vast number of sick and wounded scattered throughout Europe, the patients cared for by our units seems pitifully small, although judged by ordinary standards their accomplishments have not been mean. I do believe, however, that we have established in European countries, where modern training schools for nurses have not yet been organized, a definite standard of nursing which will surely produce results later.

The soldiers cared for in our various hospitals came from the most remote corners of Europe and have carried to their homes in Siberia, Poland, or the Crimea words of praise for our nurses. Many soldiers returned to the trenches with a written request among their few treasured possessions that in case of injury they be returned to the American hospital.

One of the nurses, the daughter of a bishop in the Episcopal church, in summing up her work says:

> The soldiers with whom we come in contact love us for our work. The story of it is carried to their homes, to their wives, and to their children, and their hearts go out to the country that has made our work possible.

She also tells of a soldier who was seriously ill, a poor Galician, whose language no one could understand. He tried his best to tell

Digitized by Google

them what he wanted, but it was two days before they discovered that it was not merely a clean gown he was asking for, but an American one with a red cross.

Our nurses have had a valuable experience which should be of benefit to our own country. They have learned how to care for large numbers of patients all weary, ill, hungry, and cold, and to make them comfortable in the shortest possible time without disturbing the routine of the hospital.

We have learned that women can be mobilized without confusion, that their chances of illness when carefully selected seem to be no greater than men's, and that they face danger with equinimity. We have learned also the special type of nurse most desirable for service of this kind. Out of all this experience we should be able to do a splendid piece of constructive work for our own country. We should be able to guarantee a satisfactory nursing personnel not only for national relief work in time of calamity, but for efficient service should our country be confronted with that greatest of all disasters—war.

REPORT ON TOWN AND COUNTRY NURSING SERVICE

FANNIE F. CLEMENT, Superintendent.

COMMITTEES.

Prolonged absence from this country made it impracticable for Mrs. Whitelaw Reid to continue as chairman of the committee on town and country nursing service, and her resignation was tendered early in the current year. Mrs. Harriet Blaine Beale, for many years closely associated with the Visiting Nurse Society of the District of Columbia, was appointed by the national relief board to succeed Mrs. Reid. The committee has held two meetings during the year.

Miss Goodrich, chairman of the special committee on education, organization, and administration, has recently resigned from this position, which has not yet been refilled. The committee has held one meeting during the year.

The State committee on publicity among nurses in New York employed a visiting nurse to address student nurses and various meetings of nurses throughout the State. Headquarters for this work were opened in the rooms of the New York City chapter. A considerable number of nurses became interested in the town and country nursing service through the efforts of this committee. However, owing to the effect of the European war on conditions in this country, the committee felt it advisable to discontinue its activity after a few months.

SUPERVISORS.

Miss Abbie Roberts, who for nearly a year and a half has been with the Red Cross as supervising nurse, has been obliged to give up her work on account of ill health. Her withdrawal has left a profound sense of loss on the part of the town and country nursing service. Miss Emma Wilson, graduate of Johns Hopkins Hospital, has been appointed as supervising nurse of the town and country nursing

Digitized by Google

service. She was employed as school nurse in the District of Columbia before coming to the Red Cross. After taking the course at the New York School of Philanthropy, Miss Wilson spent several months at Henry Street Settlement, after which she took charge of a branch of welfare work in Baltimore under the Social Service Corporation. She has acted as substitute nurse for one of the Red Cross visiting nurses in a West Virginia community.

REQUESTS FOR NURSES AND AFFILIATIONS.

Even though many nursing organizations have been affected by the financial situation of the past year new associations have been started. Since December 1, 1914, 29 applications for affiliation from nursing organizations have been received; 21 organizations have been supplied with a visiting nurse; and 6 positions remain at present to be filled. In the other cases it was impossible for the Red Cross to supply nurses at the time they were wanted. Eight organizations have discontinued their nursing service because of lack of funds, leaving a total of 41 affiliated organizations December 1, 1915, an increase of 13 over the preceding year. Many inquiries from communities have been received asking if the Red Cross could supply a visiting nurse, but owing to the limited number of qualified nurses available organizations making such requests could not be encouraged to affiliate.

APPLICATIONS FROM NURSES AND APPOINTMENTS.

The number of applications from nurses has been 223, an increase of 65 over the number of last year. Nearly 100 nurses failed to come up to the Red Cross standard; 34 applicants have received appointment as Red Cross visiting nurses; 25 nurses have discontinued membership, several only temporarily, leaving a total of 44 at present in the service, an increase of 10 nurses over last year.

SUBSTITUTES.

Eleven organizations have been furnished substitutes by the Red Cross during the annual leave of the regular nurses.

SUPERVISORY VISITS.

Sixty-seven supervisory visits have been made to affiliated associations and 18 visits of organization to communities where the establishment of a visiting-nurse service was contemplated.

PREPARATORY COURSES.

The sanitary department of the Cuban Government this summer sent a representative to this country to learn details regarding the town and country nursing service and opportunities for the training of public-health nurses. They wished to send two student nurses to the United States to obtain special preparation in public-health nursing that they might be equipped to start a system similar to the town and country nursing service in Cuba.

The committee on town and country nursing service early in the year established an educational requirement of two years high

Digitized by Google

school, or an equivalent, for candidates for the service, and also, where experience alone could not be considered sufficient preparation, a four months' preparatory training that would include theoretical as well as practical work during the course. Although the length of training required has remained four months, it has been recommended by the committee that student nurses be encouraged to take the more thorough preparation offered in the several eight months' courses. The adoption of this standard has reduced the number of training centers to which prospective Red Cross visiting nurses could be referred.

Steps have been taken to encourage the establishment of training centers in several sections of the country, as it is impossible for the Red Cross work to be broadly extended until adequate provision is made for nurses to obtain the special preparation required of its visiting nurses. The University of Colorado, the University of Michigan, the School of Social Economy in St. Louis, and Peabody College in Nashville, Tenn., are at present considering the establishment of postgraduate courses for public-health nurses. An endowment as a memorial to Mrs. Woodrow Wilson is being raised by the woman's department of the National Civic Federation, and a chair of rural nursing will probably be established at Peabody College.

The Chicago School of Civics and Philanthropy, in conjunction with visiting-nurse agencies in Chicago, will open a four months' course for public-health nurses in January.

Public-health nursing courses have been arranged for 31 applicants during the past year. Fourteen have completed a four months' course. Of the 17 now in training, 11 are taking the eight months' courses, thus showing an increasing realization on the part of graduate nurses of the importance of the more thorough preparation for rural visiting nursing.

LOANS.

Another generous gift from Mr. Jacob Schiff, a contribution of $5,000 for a loan fund, has made possible for a larger number of nurses a postgraduate course in preparation for the town and country nursing service. The fund has already served as a valuable source of helpfulness to many nurses who could not otherwise have taken postgraduate training. Loans to the amount of nearly $4,000 have been made to 25 student nurses since the inauguration of the service. Two thousand three hundred and eighty-five dollars is at present outstanding. The number of requests to utilize the loan fund bears evidence to the appreciation on the part of nurses of the privilege it affords.

TRAVELING LIBRARY.

A gift of $10 each from Mrs. Draper and Miss Delano has been added to the library fund of the town and country nursing service. The library now includes 64 volumes, 18 sets of pamphlets, and 3 sets of current magazines. One hundred and forty-nine books have been taken out this year by 45 members of the town and country nursing service. Many expressions of gratitude for the use of literature pertaining to their community problems have been received from the nurses.

Digitized by Google

BULLETIN.

Four issues of the bulletin known as The Red Cross Visiting Nurse have been sent out during the year to affiliated organizations and nurses. A number of organizations have sent in articles relating to special phases of their work and have thus cooperated in making this bulletin of interest to other organizations engaged in similar activities. Requests for copies from individuals outside of the Red Cross promise a broader usefulness for the bulletin.

In the North Atlantic States where it had its beginnings, public-health nursing has been extended very generally into the smaller cities and towns. The Middle West has developed public-health nursing rapidly within the past few years, but going farther south we find comparatively few public-health nurses employed, some of the States having hardly any.

Although visiting nursing has been started in several of the larger cities in the far West, rural nursing is practically unknown. For instance, in Colorado there is probably not a single rural nurse, and there are but very few in California. The Red Cross visiting nurse in Arizona is the only visiting nurse in that State. The town and country nursing service was started three years ago when rural nursing was almost unknown to the nursing profession, as well as to the laity generally, and it is hardly surprising to find large areas of untrodden ground.

Experience in these first years of the service has demonstrated that rural nursing may be classified according to several well-marked types, the general aspects of rural nursing in the smaller towns and rural districts varying not only as to locality and density of population, but as to the kind of organization employing the nurse and the purposes of such organization.

Three Red Cross visiting nurses are engaged in strictly industrial communities, two of whom are employed by a mining company. In the Arizona community, which has 3,000 population, the nurse is employed by the town, which has rapidly grown up in the vicinity of the mines located on the rugged slopes of a mountain. It has drawn into its personnel practically only those to whom mining offers employment. Other business of the town is established to meet the needs of miners' families. Problems of health early become prominent in such communities—the question of adequate and sanitary living quarters as well as working conditions, of food and water supply, the disposal of waste, suitable schoolhouses and health supervision of the school children, recreational facilities, hospital and dispensary provision, and a hundred and one others that indicate the need of public health nursing. The population is centered so closely about the mines that unless called outside of her usual area the visiting nurse finds all of her patients easily accessible.

This is not so, however, of the nurses located in our southern mountain country, where a unique type of rural nursing prevails. The isolated mountain cabin down in the hollow or up the creek creates an environment which affords quite different characteristics from rural nursing elsewhere. In the mountain home is to be found a family which only a short time ago produced most of their food, clothing, bedding, and other domestic materials. Now the country store, the railroads, and educational opportunities are changing former customs. However, the rural nurse can visit many a patient

Digitized by Google

and be the sole visitor to that mountain home for many a day. In a mountain community of North Carolina one of the Red Cross visiting nurses sometimes rides horseback 26 miles to see a patient.

Where her visits cover such a wide territory as 50 square miles, it is impossible to make many visits during a day or to visit any of the distant homes frequently. It means that her work must either emphasize bedside nursing, answering calls of doctors and families to attend those in need of nursing care, or else the more strictly educational aspects of public health nursing, whereby the nurse gives health instruction in the schools, holds conferences with mothers and clubs and classes for health instruction among younger groups. Generally in mining and other industrial communities the salaries are paid by the industrial company or the town, whereas in many mountain communities local financial resources are such that the salary of the nurse can not be raised either by private subscription or public appropriation. The church mission boards and educational organizations which have been active in the mountain country for years have included visiting nursing in their activities in 12 or 13 instances, but there are 3,000,000 persons living in the southern highlands.

The town and country nursing service was organized to help just such communities as this section represents, and yet they can not procure Red Cross visiting nurses unless some provision can be made to aid them financially. Three Red Cross visiting nurses have been appointed to mountain communities, one in each of the States of Virginia, Kentucky, and North Carolina. One was employed by a visiting nurse association supported by private subscription from the mountain people and summer visitors, one by a denominational mission board, and one by local funds supplemented by outside individuals.

Within the past few months inquiries have been received from several mountain schools asking if the Red Cross could aid in financing the work of a visiting nurse. A broad field for rural nursing lies open in this section and study of its resources reveals the fact that unless some provision is made by the Red Cross or other organization whereby such communities may be aided financially, there is little prospect of nurses who have met the standard of hospital training and postgraduate preparation in public health nursing required by the Red Cross being employed in this part of the country. It is the nurse with superior qualifications that is most needed in country districts, where a good education and a thorough knowledge of visiting nursing are even more essential than in our cities. A special fund, if established by the Red Cross, might be utilized to help mountain communities, the Red Cross contributing a certain amount for a limited time, provided the local organizations raise the balance of funds. There never was a time when the importance of public health nursing has been so fully realized as at present and its rapid extension among the smaller communities still leaves the southern highland situation almost untouched. For some time they will need the stimulus of outside interests and financial assistance.

The possibility of appointing visiting nurses to Indian reservations has been brought to the attention of the Red Cross, and it is hoped that before long the gospel of better health and the prevention of

Digitized by Google

disease may be carried into Indian homes and schools where the visiting nurse has not yet entered.

There has been a marked increase in the number of nurses employed by antituberculosis associations or county boards. County nursing represents one other type of rural nursing. When the scope of the town and country nursing service was limited to communities of 25,000 population, its activities in county work were also restricted to the less densely populated counties. Thus, several of the Red Cross visiting nurses doing county work find themselves confronted with problems of improving health conditions among the school children of an entire rural county, seeking out the tubercular and seeing that proper treatment is followed, reaching the mothers in the rural homes, and furthering the infant welfare cause, gaining the cooperation of agencies both in and outside of the county through which they may stimulate a broader interest in public-health work. Little opportunity is afforded for bedside nursing in county work, the nature of which is necessarily more strictly educational.

In Michigan a county board of supervisors has affiliated with the Red Cross, and in Illinois two county antituberculosis societies, the latter representing the first county nursing in the State.

State antituberculosis associations, emphasizing as they generally do the value of the visiting nurse, brings the activities of these organizations in close relation to the visiting-nurse department of the Red Cross. Several of our nurses have been appointed in Kentucky communities, where the State tuberculosis commission has been influential in the organization of a local visiting-nurse service.

Several requests from State organizations for affiliation with the Red Cross have been received. It is hardly practicable, however, for the Red Cross to contract such affiliations, when it would be impossible to meet the obligations thereby assumed to supply qualified visiting nurses. The Red Cross, however, as far as it can, will appoint nurses for local work at the instigation of State organizations to communities where local Red Cross affiliation with the nursing organization or committee is accomplished.

The Minnesota Public Health Association, formerly the State Anti-Tuberculosis Association, is endeavoring to establish a branch public health society in every county of the State. They have recently arranged to refer their local county requests for permanent nurses to the Red Cross. The Texas Public Health Association is desirous of converting its local Red Cross seal committees throughout the State into Red Cross visiting nurse committees. It is felt that this plan will result in permanent seal committees organized for public health work, as it will provide the committees with a definite and continuous activity. As stated by the secretary of the State association:

> We believe the visiting nurse is the beginning of public health or social welfare work, and that if we can secure the employment of nurses in the various communities that this will lead to the securing of additional county hospitals under our county hospital law and the permanent employment for a county nurse.

Would that it were possible to give in this report an outline of the organization and progress of each of the 41 visiting-nurse bodies now affiliated with the Red Cross. Such a record would well illustrate living conditions representative of a large population of the United States, the health needs of the rural school children, infant morbidity and mortality, prevalence and lack of prevention of communicable

Digitized by Google

diseases, the need of hospitals and institutions for the sick and the defective, the lack of proper sanitation, the lack of a community spirit that makes difficult the advancement of a worthy cause, and a predominating apathy and conservatism, which checks any movement to change conditions. Then, again, such a record would show a response on the part of certain communities that makes possible a wider and more intensive humanitarian work. It would show the sincere motives that have prompted the few in each community to give of their devoted efforts to improve health and other social conditions—those of whom it may well be said, "Theirs is the 'path through tangle underwood of old tradition.' May they live 'to hear their work called brave and good.'"

TRUSTEES OF THE ENDOWMENT FUND OF THE AMERICAN NATIONAL RED CROSS—ANNUAL REPORT OF THE TREASURER.

[Jan. 1 to Dec. 31, 1915.]

Balance sheet, close of Dec. 31, 1915.

DR.

Cash		$7,313.53
Bonds and stocks		929,296.38
		936,609.91

CR.

Endowment fund, principal:		
Cash	$5,979.78	
Securities	824,271.35	
		830,251.13
The William Howard Taft special endowment, principal, securities		5,000.00
The William Howard Taft special endowment, income, cash		921.67
Town and country nursing service endowment, principal, securities		100,025.03
Town and country nursing service endowment, income, cash		412.08
		936,609.91

CASH.

Balance, Jan. 1, 1915			991.65
Receipts:			
For principal of funds, from American National Red Cross		$7,048.36	
For income of funds—			
From securities	$41,092.94		
From bank balances	567.64		
		41,660.58	
			48,708.94
			49,700.59
Disbursements:			
From principal of funds, for inheritance tax on bequest of D. O. Mills		1,250.00	
From income of funds—			
Transferred to American National Red Cross	$41,132.14		
Registration and insurance	4.92		
		41,137.06	
			42,387.06
Balance, Dec. 31, 1915—			
Principal		5,979.78	
Income		1,333.75	
			7,313.53
			49,700.59

Digitized by Google

BONDS AND STOCKS.

Balance, Jan. 1, 1915	$929,296.38
Receipts	None.
Withdrawals	None.
Balance, Dec. 31, 1915	929,296.38

Schedule of securities.

ENDOWMENT FUND.

Name.	Par value.	Book value.	Market value (Dec. 31).	Rate of interest.	Annual interest.
				P. ct.	
Baltimore & Ohio R. R. 20-year 4½ per cent convertible	$10,000	$9,062.50	$9,700.00	4½	$450.00
Chesapeake & Ohio Ry. general mortgage gold	75,000	75,972.50	68,250.00	4½	3,375.00
Chicago, Rock Island & Pacific Ry. first and refunding mortgage	50,000	44,731.25	33,125.00	4	2,000.00
City & Suburban Ry. first mortgage gold	5,000	5,078.27	5,100.00	5	250.00
Detroit Terminal & Tunnel, first mortgage, 50-year gold	50,000	50,031.25	46,750.00	4½	2,250.00
Great Northern iron ore properties, certificates of beneficial interest	None.	6,711.75	8,007.00	.....	.....
Kansas City Terminal Ry. first mortgage gold	40,000	39,359.75	35,500.00	4	1,600.00
Metropolitan Club, Washington, D. C., first mortgage	500	500.00	425.00	4½	22.50
New England Telephone & Telegraph Co., 5 per cent bonds of 1912	5,000	5,068.75	5,075.00	5	250.00
New York City corporate stock	120,000	109,219.70	104,400.00	3½	4,200.00
Do	380,000	385,031.88	383,800.00	4½	16,100.00
Northern Pacific Ry. prior lien railway and land grant	5,000	5,112.25	4,656.25	4	200.00
Oregon-Washington R. R. & Navigation Co. first and refunding mortgage	15,000	13,743.75	13,275.00	4	600.00
Provident Loan Society of New York, certificates of contribution	48,000	48,000.00	48,000.00	6	2,880.00
St. Louis Southwestern Ry. first consolidated mortgage 4 per cent gold	5,000	3,856.25	3,337.50	4	200.00
Union Pacific Ry., first mortgage railroad and land grant	2,000	2,057.50	1,945.00	4	80.00
West Shore R. R., guaranteed first mortgage	20,000	20,734.00	18,500.00	4	800.00
Total	830,500	824,271.35	789,845.75	.....	35,307.50

THE WILLIAM HOWARD TAFT SPECIAL ENDOWMENT.

Provident Loan Society of New York, certificates of contribution	$5,000	$5,000.00	$5,000.00	6	$300.00

TOWN AND COUNTRY NURSING SERVICE ENDOWMENT.

City of Tokyo, Japan, 5 per cent loan of 1912	$25,000	$21,545.45	$18,875.00	5	$1,250.00
Hudson & Manhattan R. R., first lien and refunding mortgage, series A	25,000	21,812.50	18,625.00	5	1,250.00
St. Louis, Peoria & Northwestern Ry., first mortgage gold bonds	23,000	24,121.25	24,610.00	5	1,150.00
St. Louis & San Francisco R. R., refunding mortgage gold	25,000	17,977.08	18,062.50	4	1,000.00
Wabash R. R., second mortgage 5 per cent 50-year	15,000	14,568.75	14,737.50	5	750.00
Total	113,000	100,025.03	94,910.00	.....	5,400.00

RECAPITULATION, ALL SECURITIES.

Endowment fund	$830,500	$824,271.35	$789,845.75	.....	$35,307.50
The William Howard Taft special endowment	5,000	5,000.00	5,000.00	.....	300.00
Town and country nursing endowment	113,000	100,025.03	94,910.00	.....	5,400.00
Grand total	948,500	929,296.38	889,755.75	.....	41,007.50

Digitized by Google

ENDOWMENT FUND—PRINCIPAL.

Balance, Jan. 1, 1915:		
Cash	$181.42	
Securities	824,271.35	
		$824,452.77
Receipts:		
Cash, from American National Red Cross		7,048.36
		831,501.13
Disbursements:		
Expended for inheritance tax on bequest of D. O. Mills		1,250.00
Balance, Dec. 31, 1915:		
Cash	5,979.78	
Securities	824,271.35	
		830,251.13
		831,501.13

ENDOWMENT FUND—INCOME.

Balance, Jan. 1, 1915		None.
Receipts:		
Interest from securities	$35,464.50	
Interest from bank balances	567.64	
		$36,032.14
		36,032.14
Disbursements:		
Income transferred to American National Red Cross		36,032.14
Balance, Dec. 31, 1915		None.
		36,032.14

THE WILLIAM HOWARD TAFT SPECIAL ENDOWMENT—PRINCIPAL.

Balance, Jan. 1, 1915 securities	$5,000.00
Receipts	None.
Disbursements	None.
Balance, Dec. 31, 1915, securities	5,000.00

THE WILLIAM HOWARD TAFT SPECIAL ENDOWMENT—INCOME.

Balance, Jan. 1, 1915	$721.67
Receipts: Interest from securities	300.00
	1,021.67
Disbursements: Income transferred to American National Red Cross	100.00
Balance, Dec. 31, 1915	921.67
	1,021.67

TOWN AND COUNTRY NURSING SERVICE ENDOWMENT—PRINCIPAL.

Balance, Jan. 1, 1915, securities	$100,025.03
Receipts	None.
Disbursements	None.
Balance, Dec. 31, 1915, securities	100,025.03

TOWN AND COUNTRY NURSING SERVICE ENDOWMENT—INCOME.

Balance, Jan. 1, 1915	$88.56
Receipts: Interest from securities	5,328.44
	5,417.00

Digitized by Google

Disbursements:		
Income transferred to American National Red Cross	$5,000.00	
Registration and insurance	4.92	
		$5,004.92
Balance, Dec. 31, 1915		412.08
		5,417.00

AMERICAN NATIONAL RED CROSS—ANNUAL REPORT OF THE TREASURER.

[Jan. 1 to Dec. 31, 1915.]

Treasurer's balance sheets, Dec. 31, 1915.

FUND BALANCE SHEET.

DR.

Treasurer's fund balances		$812,906.12
General fund	$49,107.74	
Town and country nursing fund	760.39	
Town and country nursing loan fund	3,850.00	
Memorial buildings furnishings fund	15,940.00	
Headquarters furniture fund	20,000.00	
Philippine nurse fund	300.00	
Contingent relief fund	23,532.30	
Storm and flood relief fund	497,225.00	
European war relief fund	135,916.95	
European war pension fund	14,240.00	
Lusitania relief fund	2,191.14	
Mexican relief fund	25,000.00	
Endowment fund	24,842.60	
	812,906.12	
Fiscal officers' fund balances		268,188.52
General fund	5,225.18	
Town and country nursing fund	1,210.00	
Town and country nursing loan fund	1,150.00	
Contingent relief fund	10,249.24	
Storm and flood relief fund	300.00	
Chinese flood and famine relief fund	394.42	
European war relief fund	225,765.75	
Mexican relief fund	23,893.93	
	268,188.52	
		1,081,094.64

CR.

Consolidated fund balances	1,081,094.64

Asset, liability, revenue, and expense balance sheet.

(Before closing nominal accounts.)

DR.

Cash in hands of treasurer	$315,681.12
Cash in hands of fiscal officers	268,188.52
Securities in hands of treasurer	497,225.00
Expenses:	
Current	174,621.71
Relief	806,518.15
Commercial purchases	21,212.99
Transfers to trustees	7,048.36
	2,090,495.85

Digitized by Google

CR.

Revenues;	
Current	$200,468.30
Relief	672,332.71
Endowment	25,218.60
Commercial sales	32,350.97
General surplus, Jan. 1, 1915	1,160,125.27
	2,090,495.85

(After closing nominal accounts.)

DR.

Cash in hands of treasurer	315,681.12
Cash in hands of fiscal officers	268,188.52
Securities in hands of treasurer	497,225.00
	1,081,094.64

CR.

General surplus, Jan. 1, 1915		$1,160,125.27	
Net expense for 1915	$981,139.86		
Transfers to trustees	7,048.36		
	$988,188.22		
Net revenue for 1915	909,157.59		
Deficit for 1915		79,030.68	
General surplus, Dec. 31, 1915			1,081,094.64

Digitized by Google

Operation account, 1915.

Fund.	Net revenues.					Net expenses.			Transfers to trustees.	Excess.	Deficit.
	Current.	Relief.	Endowment.	Commercial operations.	Total.	Current.	Relief.	Total.			
General fund	$166,205.38			$11,090.76	$177,296.14	$161,225.47		$161,225.47		$16,070.67	
Town and country nursing fund	13,162.92			47.22	13,210.14	13,396.24		13,393.24			$186.10
Town and country nursing loan fund	5,000.00				5,000.00					5,000.00	
Memorial building furnishings fund	15,800.00				15,800.00					15,800.00	
Headquarters furniture fund											
Philippine nurse fund	300.00				300.00					300.00	
Contingent relief fund		$2,327.45			2,327.45		$3,577.64	3,577.64			1,250.19
Cincinnati mine disaster relief fund											
Mississippi River flood fund		32.90			32.90					32.90	
Storm and flood relief fund		2,008.00			2,008.00					3,176.75	
Chinese famine relief fund		116.06			116.06					116.06	
Chinese flood and famine relief fund		443.66			443.66					443.66	
Chinese river conservation fund							1,012.13	1,012.13			1,012.13
European war relief fund		594,822.75			594,822.75		773,921.47	773,921.47			179,098.72
European war pension fund							760.00	760.00			760.00
Italian earthquake relief fund		1,198.20			1,198.20		1,198.20	1,198.20			
Japanese relief fund											
Lusitania relief fund		2,193.57			2,193.57		2.43	2.43		2,191.14	
Mexican relief fund		69,190.12			69,190.12		27,216.33	27,216.33		41,973.79	
Second Balkan War relief fund											
Titanic wreck fund							.70	.70			.70
Endowment fund			$25,218.60		25,218.60				$7,048.36	18,170.24	
Total	200,468.30	672,332.71	25,218.60	11,137.98	909,157.59	174,621.71	806,518.15	981,139.86	7,048.36	103,277.21	182,307.84
Excess of net expenses and transfers to trustees over net revenues for the year 915										79,030.63	
										182,307.84	182,307.84

Digitized by Google

Condensed summary of fund operations, embracing receipts, disbursements, transfers, and balances for 1915, by the treasurer and all fiscal officers.

Funds.	Fund balances Jan. 1, 1915.	Receipts.							
		Revenues.	Transferred from other funds.	Expense transfers.	Expense refundments.	Commercial sales.	Special loans.	Special deposits.	Total.
General fund	$52,436.54	$166,271.45	$5,325.71		$695.38	$32,125.66			$204,918.29
Town and country nursing fund	2,156.49	13,162.92			23.12	248.13			13,429.17
Town and country nursing loan fund		5,000.00							5,000.00
Memorial building furnishings fund	140.00	15,800.00							15,800.00
Headquarters furniture fund			20,000.00						20,000.00
Philippine nurse fund		300.00							300.00
Contingent relief fund	12,040.21	2,327.45	25,711.71		21.10				28,060.26
Cincinnati mine disaster relief fund	3.00								
Mississippi River flood fund	14,166.71	32.90							32.90
Storm and flood relief fund	1,608.98	2,008.00			1,362.36				3,370.36
Chinese famine relief fund	36.73	116.06							116.06
Chinese flood and famine relief fund	452.27	443.66							443.66
Chinese river conservation fund	6,837.84				320.62				320.62
European war relief fund	555,781.42	595,574.43		$17,415.62	97,623.10				710,613.15
European war pension fund			15,000.00						15,000.00
Italian earthquake relief fund		2,662.20							2,662.20
Japanese relief fund	950.21								
Lusitania relief fund		2,193.57							2,193.57
Mexican relief fund	4,199.95	69,245.12	2,720.19		9,940.35				81,905.66
Second Balkan war relief fund	3,815.19								
Titanic wreck fund	1,604.37				199.30				199.30
Endowment fund	6,672.36	25,293.60							25,293.60
Special deposits								$2,377.56	2,377.56
Special loans							$369.68		369.68
Total	662,908.27	909,431.36	69,257.61	17,415.62	110,185.33	32,368.79	369.68	2,377.56	1,132,405.95

Digitized by Google

Condensed summary of fund operations, embracing receipts, disbursements, transfers, and balances for 1915, by the treasurer and all fiscal officers—Contd.

Funds.	Disbursements.									Fund balances Dec. 31, 1915.
	Expenses.	Transferred to other funds.	Revenue refundments.	Commercial purchases.	Commercial sale refundments.	Special loans.	Special deposits.	Transfers to trustees endowment fund.	Total.	
General fund	$161,920.85	$20,090.00	$66.07	$21,017.08	$17.82				$203,021.82	$54,332.92
Town and country nursing fund	13,419.36			195.91					13,615.27	1,970.39
Town and country nursing loan fund										5,000.00
Memorial building furnishings fund										15,940.00
Headquarters furniture fund										20,000.00
Philippine nurse fund										300.00
Contingent relief fund	3,598.74	2,720.19							6,318.93	33,781.54
Cincinnati mine disaster relief fund		3.00							3.00	
Mississippi River flood fund		14,199.61							14,199.61	
Storm and flood relief fund	191.61	4,485.73							4,677.34	300.00
Chinese famine relief fund		152.79							152.79	
Chinese flood and famine relief fund		501.51							501.51	394.42
Chinese river conservation fund	1,332.75	5,825.71							7,158.46	
European war relief fund	888,960.19	15,000.00	751.68						904,711.87	361,682.70
European war pension fund	760.00								760.00	14,240.00
Italian earthquake relief fund	1,198.20		1,464.00						2,662.20	
Japanese relief fund		960.21							960.21	
Lusitania relief fund	2.43								2.43	2,191.14
Mexican relief fund	37,156.68		55.00						37,211.68	48,893.93
Second Balkan war relief fund		3,815.19							3,815.19	
Titanic wreck fund	200.00	1,603.67							1,803.67	
Endowment fund			75.00					$7,048.36	7,123.36	24,842.60
Special deposits							$2,377.56		2,377.56	
Special loans						$369.68			369.68	
Total	1,108,740.81	69,257.61	2,411.75	21,212.99	17.82	369.68	2,377.56	7,048.36	1,211,436.58	583,869.64

Digitized by Google

Fund cash account.

TREASURER.

Balance of cash, all funds, in hands of treasurer, Jan. 1, 1915		$557,440.10	
Receipts of cash, all funds, during 1915:			
Revenues	$884,205.47		
Expense refundments	104,307.38		
Commercial sales	32,368.79		
Repayments by fiscal officers of unexpended advances	20,017.51		
Special deposits	2,200.00		
Total cash receipts		1,043,099.15	
		1,600,539.25	
Payments of cash, all funds, during 1915:			
Expenses	869,720.73		
Revenue refundments	2,082.95		
Commercial purchases	21,212.99		
Commercial sale refundments	17.82		
Transfers to trustees of the endowment fund	7,048.36		
Advances to fiscal officers	382,575.28		
Special deposits	2,200.00		
Total cash disbursements		1,284,858.13	
Treasurer's balance, all funds, Dec. 31, 1915			$315,681.12

FISCAL OFFICERS.

Balance of cash, all funds, in hands of fiscal officers, Jan. 1, 1915		$105,460.17	
Receipts of cash, all funds, during 1915:			
Revenues	$16,225.89		
Expense refundments	5,877.95		
Advances received from treasurer	382,575.28		
Special deposits	177.56		
Special loans	369.68		
Total cash receipts		405,226.36	
		510,686.53	
Payments of cash, all funds, during 1915:			
Expenses	221,604.46		
Revenue refundments	328.80		
Repayments to treasurer of unexpended advances	20,017.51		
Special deposits	177.56		
Special loans	369.68		
Total cash disbursements		242,498.01	
Fiscal officers' balances, all funds, Dec. 31, 1915			268,188.52
Total balance of cash, all funds, in all hands, Dec. 31, 1915			583,869.64

Digitized by Google

RECONCILIATION OF TREASURER'S BANK BALANCE.

The following voucher checks drawn on Commercial National Bank, Washington, D. C., are outstanding at the close of December 31, 1915:

A-329	$9.02	10948	$55.98	11049	$66.50
A-330	.05	10960	56.00	11050	91.50
A-440	8.55	10962	166.00	11051	121.50
A-448	.19	10968	8.00	11052	62.70
A-453	100.00	10987	11.23	11053	.75
A-456	153.32	10989	20.96	11054	2.00
A-457	1,000.00	10990	59.00	11055	2.50
A-458	4.34	10993	50.66	11056	27.08
A-459	2.69	10995	61.00	11057	6.08
A-460	300.00	10996	414.94	11058	2.35
A-461	56.73	10997	78.90	11059	49.93
A-462	1,796.16	10998	8.00	11061	4.40
A-463	1,500.00	11000	2.00	11062	24.17
A-464	2,000.00	11006	54.70	11063	4.26
A-465	3.20	11010	.81	11064	271.72
A-466	1.02	11015	125.00	11065	46.06
A-467	100.00	11016	125.00	11066	62.00
8021	3.00	11017	83.34	11067	58.00
8457	5.00	11018	83.34	11068	106.00
10034	229.20	11019	75.00	11069	58.00
10071	229.16	11020	30.00	11070	77.00
10342	229.16	11021	25.00	11071	65.48
10359	1.70	11022	125.00	11072	319.44
10465	30.00	11023	104.17	11073	2,500.00
10500	83.33	11024	25.00	11074	100.00
10589	229.16	11025	100.00	11075	2,513.50
10592	15.65	11026	37.50	11076	1,000.00
10608	60.00	11027	7.20	11077	40.00
10678	75.00	11028	6.00	11078	40.00
10679	30.00	11029	7.50	11079	300.00
10767	33.33	11030	5.49	11080	184.00
10771	3.75	11031	54.97	11081	100.00
10790	25.00	11032	18.50	11082	30.00
10854	16.70	11033	213.57	11083	40.00
10862	1.26	11034	31.45	11084	30.00
10865	2.00	11035	10.75	11085	30.00
10880	2.50	11036	14,222.54	11086	30.00
10882	51.50	11037	171.32	11087	30.00
10885	229.16	11038	22.50	11088	30.00
10919	1.00	11039	19.50	11089	30.00
10924	19.00	11040	.75	11090	30.00
10925	17.50	11041	10.00	11091	30.00
10927	9.50	11042	5.49	11092	40.00
10928	19.50	11043	8.10	11093	20.00
10934	83.33	11044	25.45	11094	35.00
10935	83.33	11045	92.21	11095	30.00
10938	25.00	11046	69.00		
10943	37.50	11047	6.50	Total	34,712.74
10947	59.01	11048	5.00		

SUMMARY.

Commercial National Bank:		
Balance, as per pass book	$350,393.86	
Less voucher checks outstanding, as above	34,712.74	
Treasurer's cash account balance		$315,681.12

Digitized by Google

List of fiscal officers' accountable fund balances, Dec. 31, 1915.

Name, etc.	Fund.	Amount.
American ambassador, Berlin, Germany	European war relief fund	39,804.71
American ambassador, Vienna, Austria	do	459.00
H. C. Argo	Contingent relief fund	600.00
Anne Bauer	European war relief fund	154.70
Dr. Howard W. Beal	do	19,949.37
Dr. S. O. Beasley	do	681.00
E. P. Bicknell	do	509.09
Florence Black	Contingent relief fund	100.00
Dr. Beal F. Bradbury	European war relief fund	1,615.36
Donna Burger	do	47.60
Roger A. Burr	do	4,000.00
J. V. Cameron	General fund	568.60
Clement B. Chinn	European war relief fund	50.00
Dr. W. A. Clark	do	150.00
W. A. Compton	Storm and flood relief fund	300.00
Constantinople Chapter	European war relief fund	10,000.00
United States consul, Athens, Greece	do	5.79
American vice consul, Belgrade, Serbia	do	600.00
Consul general, Canton, China	Contingent relief fund	1,000.00
	Chinese flood and famine relief fund	304.42
Consul general, Genoa, Italy	European war relief fund	2,344.81
Consul general, Monterey, Mexico	Mexican relief fund	462.15
United States consul, Nish, Serbia	European war relief fund	4,560.00
United States consul, Nogales, Mexico	Mexican relief fund	75.00
United States consul, Salonika, Turkey	European war relief fund	1,289.00
United States consul, San Luis Potosi, Mexico	Mexican relief fund	500.00
Consul general, Vera Cruz, Mexico	do	714.28
Laura W. Coons	European war relief fund	224.27
Dr. R. H. Crawford	do	91.40
Dr. W. J. Crookston	do	12,080.36
Dr. William G. Crumley	do	230.25
Sophia L. Danner	do	240.22
Jane Delano	General fund	138.08
Dr. James C. Donovan	European war relief fund	205.43
Dr. Earl B. Downer	do	180.77
Dr. B. Sherwood Dunn	do	75.00
Dr. Edward H. Egbert	do	4,200.09
Walter L. Elliott	General fund	250.00
El Paso Chapter	Mexican relief fund	200.00
Dr. Reades Fayerweather	European war relief fund	18,205.46
Hon. J. E. Ferguson, governor of Texas	Contingent relief fund	1,000.00
Dr. Ralph Fitch	European war relief fund	4,379.49
Dr. William T. Fitzsimons	do	420.25
Mary M. Fletcher	do	120.09
Edna E. Ford	Town and country nursing loan fund	260.09
Ruth Fraeius	European war relief fund	47.60
Augusta L. Geprage	Town and country nursing loan fund	100.00
Lela Grey Goddard	do	175.60
Dr. Edward A. Hamilton	European war relief fund	775.68
Philip C. Hanna	Mexican relief fund	2,500.00
Gertrude Hard	European war relief fund	5.77
Helen Scott Hay	do	1,000.00
C. G. Henry	Contingent relief fund	1,600.00
Dr. Robert W. Hinds	European war relief fund	5,717.25
Dr. S. H. Hodge	do	289.50
Louise Hoeklerlin	do	47.60
Estate of Ella K. Hoff	do	15.90
Dr. J. G. Hopkins	do	234.14
Mary Trigg Jackson	Town and country nursing fund	100.00
Dr. Thomas W. Jackson	European war relief fund	2,160.18
Charles Jenkinson	Mexican relief fund	1,822.37
Dr. Louise Taylor Jones	European war relief fund	1,075.09
Caroline M. Karas	Town and country nursing loan fund	150.00
J. S. Kean	General fund	10.00
Mae Belle Kellogg	Town and country nursing fund	60.00
Helen I. Kerrigan	European war relief fund	154.40
Allen Knight	General fund	300.00
Katherine Kraft	Town and country nursing fund	180.00
Katherine Kumke	European war relief fund	154.70
Helen J. Leader	do	.20
Dr. Fred O. Lien	do	47.49
Margaret O. Lockwood	Town and country nursing fund	25.00
Wilbert E. Longfellow	General fund	28.94
Dr. Charles MacDonald	European war relief fund	1,934.50
W. M. McGrath	General fund	60.00
Adelaide Madsen	European war relief fund	75.00
C. L. Magee	General fund	105.84
W. S. Magill	European war relief fund	6,253.45
Allie Magoon	Town and country nursing fund	50.00
Dorothy Mann	European war relief fund	122.57
Dr. John Mann	do	500.00
Belle Manning	do	183.34
Dr. G. F. Melton	do	2,475.08

Digitized by Google

List of fiscal officers' accountable fund balances, Dec. 31, 1915—Continued.

Name, etc.	Fund.	Amount.
Maud H. Metcalf	European war relief fund	$600.00
Frances H. Meyer	do	.08
Daisy K. Minahan	Town and country nursing fund	225.00
Lucy Minnigerode	European war relief fund	275.00
American minister, Copenhagen, Denmark	do	500.00
R. D. L. Mohun	do	3,582.14
S. P. Morris	General fund	300.00
	Contingent relief fund	499.24
Dr. Earl V. Morrow	European war relief fund	3,230.73
Dr. W. H. Morrow	do	265.00
Dr. P. Newton	do	23,664.57
Dr. R. H. Newman	do	11.77
C. J. O'Connor	General fund	58.02
	Mexican relief fund	15,432.28
John J. O'Connor	General fund	954.53
Katherine H. Ott	Contingent relief fund	25.00
Charles B. Parker	Mexican relief fund	2,400.00
Margaret H. Patterson	European war relief fund	.89
Dr. D. P. Penhallow	do	150.00
Sonora C. Ponder	Contingent relief fund	25.00
Col. Henry I. Raymond	European war relief fund	125.61
James S. Rentfro	Mexican relief fund	17.00
Anna Reutinger	European war relief fund	59.80
Luella L. Ross	do	185.71
Dr. Edward W. Ryan	do	15,748.22
Dr. Charles H. Sanders		
Barbara Sandmaier	European war relief fund	47.60
Secretary of the Navy	Contingent relief fund	5,500.00
Helen L. Smith	European war relief fund	154.40
Dr. H. H. Snively	do	1,768.25
Dr. Cary A. Snoddy	do	23,657.64
Edna R. Sparey	Town and country nursing loan fund	150.00
A. W. Staub	European war relief fund	516.88
L. E. Stein	General fund	2,856.51
Dr. G. A. C. Stem	European war relief fund	302.40
Dr. Richard P. Strong	do	22,778.35
E. Stuart	do	7,800.00
May Taylor	Town and country nursing fund	125.00
Lena Teschner	European war relief fund	47.60
Dr. Katherine H. Travis	do	600.00
Clara Tulloss	do	69.11
Florence Ulmer	do	47.60
Kathryn Ulmer	do	47.60
Elizabeth E. Voak	Town and country nursing loan fund	250.00
Elizabeth Walfley	Town and country nursing fund	200.00
Kathryn Walter	Town and country nursing loan fund	250.00
Agnes M. Ward	European war relief fund	234.27
Emma Wilson	Town and country nursing fund	100.00
Edith Wood	European war relief fund	47.60
Total	Balances, all fiscal officers under all funds	270,708.29

List of fiscal officers' credit balances, Dec. 31, 1915.

Name.	Fund.	Amount.
Vashti R. Bartlett	European war relief fund	$43.00
Annie S. Barclay	do	11.05
E. P. Bicknell	General fund	328.93
Minnie J. Bowman	European war relief fund	14.09
Howard D. Brink	do	55.00
Dr. B. W. Caldwell	do	620.71
Joseph E. Harrington	do	60.00
Edna H. Harrison	do	24.76
Anne R. McCulloch	do	19.08
Dr. H. H. Mitchell	do	42.10
Maj. R. U. Patterson	General fund	.20
Luis de la Pena	European war relief fund	66.61
Dr. Charles H. Sanders	do	114.71
Dr. John F. Spearman	do	1,065.26
Dr. M. H. Todd	do	33.25
Total	Credit balances, all fiscal officers under all funds.	2,519.77

Total, fiscal officers' debit balances	$270,708.29
Total, fiscal officers' credit balances	2,519.77
Fiscal officers' net total balances	268,188.52

Digitized by Google

General fund.

Fund receipts:		
Current revenues		$166,271.45
Current-expense refundments		695.38
Commercial sales		32,125.66
Total cash receipts		199,092.49
Transferred from other funds: Chinese River conservation fund		5,825.71
		204,918.20
Balance, Jan. 1, 1915		52,436.54
		257,354.74
Fund payments:		
Current expenses		161,920.85
Current-revenue refundments		66.07
Commercial purchases		21,017.08
Commercial-sale refundments		17.82
Total cash payments		183,021.82
Transferred to other funds: Headquarters furniture fund		20,000.00
		203,021.82
Balance, Dec. 31, 1915—		
In hands of Treasurer	$49,107.74	
In hands of fiscal officers	5,225.18	
		54,332.92
		257,354.74

NET CURRENT REVENUE UNDER GENERAL FUND.

General work:		
Contributions	$8,160.93	
Annual membership dues	16,254.20	
Sustaining membership dues	3,122.50	
Advertisements in Red Cross Magazine	4,641.15	
Sale of Red Cross Magazines	51.79	
Subscriptions to Red Cross Magazine	65.45	
Interest from bank balances	14,632.71	
Interest from securities	23,125.00	
Income from endowment-fund investments	36,032.14	
Sale of Christmas seals, 1913	340.79	
Sale of Christmas seals, 1914	53,933.02	
Sale of Christmas seals, 1915	2.00	
Medals, badges, ribbons, brassards	5.00	
Postage	3.03	
Total, general work		$160,369.71
First-aid department:		
Contributions	3,200.00	
Medals, badges, ribbons, brassards	50.00	
First-aid instruction in commercial institutions	445.00	
First-aid instruction classes	1,176.32	
Fees, life-saving classes	409.00	
Income from William Howard Taft special endowment	100.00	
Total, first-aid department		5,380.32
Nursing service:		
Contributions	5.00	
Medals, badges, ribbons, brassards	47.10	
Fees, classes in elementary hygiene and home care of the sick	227.75	
Nurses' uniforms	53.24	
Uniform material	121.81	
Uniform patterns	.45	
Total, nursing service		455.35
Total net current revenue under general fund		166,205.38

Digitized by Google

NET CURRENT EXPENSE UNDER GENERAL FUND.

General work:	
Personal services—	
Vice chairman, central committee	$319.44
Director general of civilian relief	312.50
National director	7,187.50
Secretary	3,000.00
Assistant treasurer	300.00
Chief, bureau of information	2,500.00
Chief, bureau of requisitions and accounts	300.00
Chief, bureau of membership	300.00
Clerks	21,280.97
Clerk to trustees of endowment fund	200.00
Watchman	226.00
Messenger	12.50
Janitor	300.00
Laborers	39.07
Division directors	7,900.00
Clerks to division directors	2,451.49
Miscellaneous personal services	732.03
Honorarium to Brig. Gen. C. A. Devol	2,500.00
Services other than personal—	
Transportation of persons	1,320.91
Transportation of things—	
Freight	93.84
Express	210.06
Cartage	70.55
Subsistence and support of persons	2,092.26
Communication service—	
Telegraph and cable	4,591.22
Telephone	453.99
Commercial messenger service	51.75
Postage	3,642.41
Printing, engraving, lithographing, binding	1,912.63
Advertising and publication of notices	10.00
Red Cross Magazine	10,725.86
Commissions on advertisements in Red Cross Magazine	2,025.89
Furnishing of heat, light, power, and electricity	70.75
Contingent office expenses	29.63
Miscellaneous services other than personal	207.33
Supplies—	
Office supplies	4,015.00
Photographic supplies	231.35
Red Cross flags	28.50
Cleaning and toilet supplies	32.64
Wearing apparel	86.05
Medals, badges, ribbons, brassards	1,820.47
Christmas seals, 1913	574.66
Christmas seals, 1914	19,741.55
Christmas seals, 1915	16,617.01
Fuel	61.85
Miscellaneous supplies	256.63
Medical supplies	3.50
Equipment—	
Office furniture, fixtures, and equipment	2,175.84
Library stock	309.50
Electrical equipment	58.35
Maintenance—	
Repairs to furniture, fixtures, and equipment	32.05
Repairs to typewriters	3.00
Fixed charges—	
Rent of offices	1,734.89
Rent of safe-deposit box	35.00
Rent of safe-deposit box, trustees of the endowment fund	42.50
Rent of typewriters	521.77
Water rent	5.05
Insurance	5.00

Digitized by Google

General work—Continued.		
Exhibits—		
Equipment	$5,028.98	
Expenses	693.23	
Miscellaneous—		
Protest fees	4.10	
Federal emergency revenue tax	9.33	
Total, general work		$131,496.38
First-aid department:		
Personal services—		
Superintendent of supplies	1,200.00	
Field agents, first-aid department	7,860.00	
Field agent, Life-Saving Service	3,000.00	
Clerks	1,900.00	
Watchman	102.28	
Janitor	128.64	
Laborers	360.00	
Cook, car No. 2	601.66	
Cook, car No. 3	660.00	
Examiners, women's first-aid instruction classes	67.43	
Miscellaneous personal services	89.42	
Services other than personal—		
Transportation of persons	753.02	
Transportation of things—		
Freight	169.27	
Express	391.96	
Cartage	44.53	
Subsistence and support of persons	2,148.25	
Communication service—		
Telegraph and cable	109.23	
Telephone	77.18	
Commercial messenger service	7.65	
Postage	439.51	
Printing, engraving, lithographing, binding	362.05	
Furnishing of heat, light, power, and electricity	18.31	
Expenses, Life-Saving Service	464.92	
Contingent office expenses	26.90	
Miscellaneous services other than personal	15.56	
Supplies—		
Office supplies	333.77	
Photographic supplies	2.00	
Cleaning and toilet supplies	4.60	
Wearing apparel	19.89	
Medals, badges, ribbons, brassards	240.00	
Fuel	27.00	
Supplies, Life-Saving Service	45.47	
Medical supplies	7.25	
Miscellaneous supplies	42.62	
Equipment—		
Office furniture, fixtures, and equipment	261.24	
Library stock	8.00	
Equipment, Life-Saving Service	15.73	
Equipment, car No. 2	.70	
Equipment, car No. 3	30.42	
Kitchen, dining, and sleeping furnishings, car No. 2	8.57	
Maintenance—		
Repairs to furniture, fixtures, and equipment	1.00	
Repairs to typewriters	8.75	
Repairs, car No. 2	267.05	
Fixed charges—		
Rent of offices	589.28	
Water rent	2.17	
Insurance	2.14	

Digitized by Google

First-aid department—Continued.		
Miscellaneous—		
Prizes for efficiency among trainmen	$100.00	
Prizes for best application of first-aid principles	100.00	
Prizes for life saving	50.00	
Federal emergency revenue tax	.88	
Total, first-aid department		$23,166.30
Nursing service:		
Personal services—		
Clerks, superintendent's office	1,910.83	
Examiners in classes in elementary hygiene and home care of sick	78.00	
Watchman	102.16	
Janitor	128.64	
Miscellaneous personal services	45.59	
Services other than personal—		
Transportation of persons	17.80	
Transportation of things—		
Freight	1.73	
Express	41.65	
Drayage	.50	
Subsistence and support of persons	6.10	
Communication service—		
Telegraph and cable	19.06	
Telephone	64.58	
Postage	436.68	
Commercial messenger service	.45	
Printing, engraving, lithographing, binding	183.00	
Furnishing heat, light, power, and electricity	18.27	
Miscellaneous services other than personal	18.91	
Supplies—		
Office supplies	350.56	
Wearing apparel	128.91	
Medals, badges, ribbons, brassards	168.65	
Fuel	26.50	
Miscellaneous supplies	26.43	
Equipment—		
Office furniture, fixtures, and equipment	270.85	
Library stock	1.00	
Fixed charges—		
Rent of offices	589.24	
Water rent	2.17	
Insurance	2.14	
Miscellaneous—		
Federal emergency revenue tax	.17	
Total nursing service		4,640.57
New York office:		
Personal services—		
Clerks	1,327.25	
Services other than personal:		
Transportation of persons	3.90	
Transportation of things	.45	
Communication service—		
Telegraph and cable	25.98	
Telephone	147.57	
Commercial messenger service	5.60	
Miscellaneous services other than personal	.58	
Supplies—		
Office supplies	383.75	
Miscellaneous supplies	14.70	

Digitized by Google

New York office—Continued.			
Equipment—			
Library stock		$3.50	
Electrical equipment		7.82	
Miscellaneous—			
Federal emergency revenue tax		.02	
Total, New York office			$1,920.22
Total net current expense under general fund			161,225.47

COMMERCIAL OPERATIONS UNDER GENERAL FUND.

First-aid department:			
Sales of first-aid supplies		$31,517.96	
Less returned		17.82	
		31,500.14	
Purchase of first-aid supplies		19,700.68	
			$11,799.46
Nursing service:			
Purchase of textbooks	$684.35		
Sale of textbooks	529.25		
		155.10	
General:			
Purchase of book "Under Red Cross Flag"	632.05		
Sale of book "Under Red Cross Flag"	78.45		
		553.60	
			708.70
Excess sales over purchases			11,090.76

Town and country nursing fund.

Fund receipts:	
Current revenues	$13,162.92
Current expense refundments	23.12
Commercial sales	243.13
Total cash receipts	13,429.17
Balance Jan. 1, 1915	2,156.49
	15,585.66
Fund payments:	
Current expenses	13,419.36
Commercial purchases	195.91
Total cash payments	13,615.27
Balance Dec. 31, 1915—	
In hands of treasurer	$760.39
In hands of fiscal officers	1,210,00
	1,970.39
	15,585.66

NET CURRENT REVENUE UNDER TOWN AND COUNTRY NURSING FUND.

Contributions	$2,563.27
Income from securities in town and country nursing service endowment fund	5,000.00
Deposits for community nursing services	5,594.31
Library fines	5.34
Total net current revenue	13,162.92

Digitized by Google

NET CURRENT EXPENSE UNDER TOWN AND COUNTRY NURSING FUND.

Personal services:	
Superintendent	$2,000.00
Supervisor of nurses	1,150.00
Clerks	1,262.67
Watchman	34.06
Janitor	42.72
Miscellaneous personal services	17.87
Services other than personal:	
Transportation of persons	901.31
Transportation of things—	
Freight	23.36
Express	18.66
Subsistence and support of persons	565.33
Communication service—	
Telegraph and cable	62.25
Telephone	36.13
Postage	271.04
Printing, engraving, lithographing, binding	148.74
Advertising and publication of notices	63.00
Furnishing of heat, light, power, and electricity	6.09
Contingent office expenses	30.12
Miscellaneous services other than personal	4.30
Supplies:	
Office supplies	330.29
Photographic supplies	55.42
Wearing apparel	8.16
Medals, badges, ribbons, brassards	225.50
Fuel	8.85
Medical supplies	6.40
Miscellaneous supplies	8.99
Equipment:	
Office furniture, fixtures, equipment	128.10
Library stock	24.75
Transportation equipment	126.15
Fixed charges:	
Rent of offices	196.44
Water rent	.71
Insurance	.72
Exhibits:	
Expenses	44.40
Miscellaneous:	
Payments for rural nursing service	5,594.31
Federal and State tax	.54
Total net current expense	13,397.38

COMMERCIAL OPERATIONS UNDER TOWN AND COUNTRY NURSING FUND.

Sales of town and country nursing supplies	$243.13
Purchase of town and country nursing supplies	195.91
Excess of sales over purchases	47.22

Town and country nursing loan fund.

Fund receipts:	
Revenues	$5,000.00
Total cash receipts	5,000.00
Fund payments:	
Balance, Dec. 31, 1915:	
In hands of treasurer	3,850.00
In hands of fiscal officers	1,150.00
	5,000.00

Digitized by Google

NET CURRENT REVENUE UNDER TOWN AND COUNTRY NURSING LOAN FUND.

Contributions	$5,000.00

NET CURRENT EXPENSES UNDER TOWN AND COUNTRY NURSING LOAN FUND.

No expense.

Memorial building furnishings fund.

Fund receipts:		
Current revenues		$15,800.00
Total cash receipts		15,800.00
Balance, Jan. 1, 1915		140.00
		15,940.00
Fund payments:		
Balance, Dec. 31, 1915, in hands of treasurer		15,940.00

NET CURRENT REVENUE UNDER MEMORIAL BUILDING FURNISHINGS FUND.

Contributions	$15,940.00

Headquarters furniture fund.

Fund receipts:	
Transferred from other funds: General fund	20,000.00
Fund payments:	
Balance Dec. 31, 1915, in hands of treasurer	20,000.00

Philippine nurse fund.

Fund receipts:	
Current revenues	300.00
Total cash receipts	300.00
Fund payments:	
Balance Dec. 31, 1915, in hands of treasurer	300.00

NET CURRENT REVENUE UNDER PHILIPPINE NURSE FUND.

Contributions	300.00

NET CURRENT EXPENSE UNDER PHILIPPINE NURSE FUND.

No expense.

Contingent relief fund.

Fund receipts:		
Relief revenues		$2,327.45
Relief expense refundments		21.10
Total cash receipts		2,348.55
Transferred from other funds:		
Chinese famine relief fund	$152.79	
Chinese flood and famine relief fund	501.51	
Cincinnati mine disaster relief fund	3.00	
Japanese relief fund	950.21	
Mississippi River flood fund	14,199.61	
Second Balkan war relief fund	3,815.19	
Storm and flood relief fund	4,485.78	
Titantic wreck fund	1,603.67	
		25,711.71
		28,060.26
Balance, Jan. 1, 1915		12,040.21
		40,100.47

Digitized by Google

Fund payments:		
Relief expenses		$3,598.74
Total cash payments		3,598.74
Transferred to other funds—		
Mexican relief fund		2,720.19
		6,318.93
Balance, Dec. 31, 1915:		
In hands of treasurer	$23,532.30	
In hands of fiscal officers	10,249.24	
		33,781.54
		40,100.47

NET RELIEF REVENUE UNDER CONTINGENT RELIEF FUND.

Contributions		$2,327.45

NET RELIEF EXPENSE UNDER CONTINGENT RELIEF FUND.

National relief:		
Arkansas flood	$474.49	
Steamer *Eastland* disaster	382.54	
G. A. R. annual encampment	228.50	
Red River flood	97.64	
Miscellaneous	184.03	
Net national relief		$1,367.20
International relief:		
Incident to insurrection in Mexico	2,207.88	
Incident to insurrection in Haiti	2.56	
Net international relief		2,210.44
Total net relief expense		3,577.64

Cincinnati mine disaster relief fund.

Fund receipts:	
Balance January 1, 1915	$3.00
Fund payments:	
Transferred to contingent relief fund	3.00

Mississippi River flood fund.

Fund receipts:	
Relief revenues	$32.90
Total cash receipts	32.90
Balance January 1, 1915	14,166.71
	14,199.61
Fund payments:	
Transferred to contingent relief fund	14,199.61

NET RELIEF REVENUE UNDER MISSISSIPPI RIVER FLOOD FUND.

Contributions	$32.90

NET EXPENSES UNDER MISSISSIPPI RIVER FLOOD FUND.

None.

Storm and flood relief fund.

Fund receipts:		
Relief revenues		$2,008.00
Relief expense refundments		1,362.36
Total cash receipts		3,370.36
Balance, Jan. 1, 1915—		
Cash	$1,606.98	
Securities	497,225.00	
		498,831.98
		502,202.34

Digitized by Google

Fund payments:		
Relief expenses		$191.61
Total cash payments		191.61
Transferred to contingent relief fund		4,485.73
		4,677.34
Balance, Dec. 31, 1915:		
In hands of treasurer (securities)	$497,225.00	
In hands of fiscal officers (cash)	300.00	
		497,525.00
		502,202.34

NET RELIEF REVENUE UNDER STORM AND FLOOD RELIEF FUND.

Contributions	$2,608.00

NET RELIEF EXPENSE UNDER STORM AND FLOOD RELIEF FUND.

Services other than personal:	
Transportation of persons	$5.00
Transportation of things—	
Freight	11.20
Drayage	4.50
Subsistence and support of persons	2.00
Communication service—Telegraph and cable	9.40
Printing, engraving, lithographing, binding	3.45
Supplies:	
Wearing apparel	33.00
Provisions	17.00
Furniture	50.00
Equipment:	
Transportation equipment	19.26
Library stock	36.80
	191.61
Less refundment of cash relief contribution	1,362.36
Excess of expense refundments over expenses	1,170.75

SCHEDULE OF SECURITIES IN STORM AND FLOOD RELIEF FUND.

Par.		Cost.
$75,000	Baltimore & Ohio R. R. Co.—Pittsburgh, Lake Erie & West Virginia System, refunding mortgage 4 per cent gold bonds, due Nov. 1, 1941	$66,992.50
50,000	Chesapeake & Ohio Ry. Co., general mortgage 4½ per cent gold bonds of 1912, due Mar. 1, 1992	47,500.00
75,000	Cleveland Short Line Ry. Co., fifty-year first mortgage 4½ per cent gold bonds of 1911, due Apr. 1, 1961	72,878.75
90,000	Illinois Central R. R. Co., and Chicago, St. Louis & New Orleans R. R. Co., joint first refunding mortgage 5 per cent bonds, series A, due Dec. 1, 1963	91,150.00
50,000	Lehigh Valley R. R. Co. general consolidated mortgage gold bonds, 4½ per cent, due May 1, 2003	49,812.50
50,000	New York Connecting R. R. Co. 4½ per cent first mortgage gold bonds, series A, due Aug. 1, 1953	49,687.50
75,000	Norfolk & Western Ry. Co. 4 per cent divisional first lien and general mortgage gold bonds, due July 1, 1944	67,641.25
50,000	St. Louis, Peoria & Northwestern Ry. Co. first mortgage gold bonds, due July 1, 1948	51,562.50
515,000	Total	497,225.00

Digitized by Google

Chinese famine relief fund.

Fund receipts:	
Total cash receipts	$116.06
Balance Jan. 1, 1915	152.79
	268.85
Fund payments:	
Transferred to contingent relief fund	268.85

NET RELIEF REVENUES UNDER CHINESE FAMINE RELIEF FUND.

Contributions	116.06

NET RELIEF EXPENSE UNDER CHINESE FAMINE RELIEF FUND.

No expenses.

Chinese flood and famine relief fund.

Fund receipts:	
Total cash receipts	$443.66
Balance Jan. 1, 1915	452.27
	895.93
Fund payments:	
Transferred to contingent relief fund	501.51
Balance Dec. 31, 1915, in hands of fiscal officers	394.42
	895.93

NET REVENUE UNDER CHINESE FLOOD AND FAMINE RELIEF FUND.

Contributions	443.66

NET EXPENSE UNDER CHINESE FLOOD AND FAMINE RELIEF FUND.

No expenses.

Chinese river conservation fund.

Fund receipts:	
Total cash receipts	320.62
Balance Jan. 1, 1915	6,837.84
	7,158.46
Fund payments:	
Total cash payments	1,332.75
Transferred to general fund	5,825.71
	7,158.46

NET EXPENSE UNDER CHINESE RIVER CONSERVATION FUND.

Services other than personal:	
Printing, binding, engraving, lithographing	1,292.25
Supplies:	
Office supplies	40.50
	1,332.75
Less expense refundment: Transportation of persons	320.62
	1,012.13

European war relief fund.

Fund receipts:	
Relief revenues	595,574.43
Relief expense refundments	97,623.10
Total cash receipts	693,197.53
Expense transfers	17,415.62
	710,613.15
Balance Jan. 1, 1915	555,781.42
	1,266,394.57

Digitized by Google

Fund payments:		
Relief expenses		$888,960.19
Relief revenue refundments		751.68
Total cash payments		889,711.87
Transferred to European war pension fund		15,000.00
Balance, Dec. 31, 1915—		
In hands of treasurer	$135,916.95	
In hands of fiscal officers	225,765.75	
		361,682.70
		1,266,394.57

NET RELIEF REVENUE UNDER EUROPEAN WAR RELIEF FUND.

Contributions	$578,216.43
Passage money for transportation on Red Cross ship	13,196.54
Gain by exchange	3,353.03
Miscellaneous receipts	15.00
Head tax	41.75
Net relief revenue	594,822.75

NET RELIEF EXPENSE UNDER EUROPEAN WAR RELIEF FUND.

Personal services:	
Officers of ship	2,590.74
Warrant officers on ship	954.35
Petty officers on ship	1,500.14
Crew of ship	24,305.16
Surgeons	70,790.62
Pathologist	251.00
Supervising director of nurses	1,166.69
Nurses	72,165.20
Interpreters	136.61
Laborers	2,981.50
Miscellaneous personal services	721.45
Medical services	38.52
Services other than personal:	
Transportation of persons	29,421.06
Transporation of things—	
Freight	44,656.82
Express	478.58
Drayage	2,042.19
Lighterage	175.61
Customhouse charges	82.59
Subsistence and support of persons	14,986.92
Communication service: Commercial messenger service	90.25
Contingent office expenses	3.45
Sundry expenses of ship	101.98
Miscellaneous services other than personal	344.57
Supplies:	
Photographic supplies	88.54
Medals, badges, ribbons, brassards	27.00
Wearing apparel	6,915.46
Cleaning and toilet supplies	530.95
Medical, surgical, and hospital supplies	51,643.16
Stretchers	152.10
Bedding	1,531.67
Blankets	2,168.00

Digitized by Google

Supplies—Continued.	
Fuel for ship	$2,423.22
Mechanical and engineers' supplies on ship	785.51
Provisions on ship	3,249.35
Special and miscellaneous supplies	381.39
Equipment:	
Office equipment	74.40
Library stock	39.90
Ambulances	12,865.80
Transportation equipment	4,441.36
Camp equipage	3,300.32
Sundry equipment expenses for ship	137.00
Miscellaneous:	
Exchange	975.69
Federal and State tax	550.51
Passports	365.23
Head tax	44.00
Premium, paymaster's bond	299.26
Insurance	443.75
Funeral expenses of employees who died in Europe	168.72
Special:	
Serbian sanitary commission	139,792.53
Baby hospital, Serbia	3,563.24
Special relief representative, Serbia	350.00
Supplies for German and Austrian prisoners in Siberia	4,675.14
Cash relief contributions:	
Albania—Albanian relief	599.50
Assyria—Assyrian relief	542.00
Austria—	
Austrian Red Cross	3,225.00
Austro-Hungarian Red Cross	1,082.43
Austro-Hungarian relief	518.84
Hospitals in Austria where American Red Cross units are on duty	5,000.00
Belgium—	
Belgian Red Cross	20,999.00
Belgian relief	39,919.60
Belgian field hospitals	4,206.77
Second line hospital, Belgian Army	5,000.00
Bulgaria—Bulgarian Red Cross	5,000.00
England—	
British Red Cross	3,650.00
Relief in England	567.07
Wounded and missing department, British Red Cross in Paris	2,000.00
St. John's Ambulance Association, London	3,000.00
Upkeep of two motor cars in England	1,609.97
France—	
French Red Cross	8,600.00
American ambulance, Paris	1,000.00
American relief clearinghouse	15,999.00
Hospital, Yvetot, France	5,000.00
Totally blind	2,000.00
Transportation of wounded from the front	500.00
French wounded emergency fund	299.00
Hospital for treatment of wounds of the jaw, Paris	1,000.00
Germany—	
German Red Cross	35,969.85
Relief in Germany	1,237.68
Hospitals in Germany where American Red Cross units are on duty	5,000.00
Totally blind	2,000.00
Transportation of wounded from the front	1,500.00
American Red Cross Hospital, Munich	10,264.19
Hungary—Hungarian Red Cross	500.00
Italy—	
Italian Red Cross	1,550.00
American war relief committee	1,000.00
Montenegro—Montenegrin Red Cross	1,095.00

Digitized by Google

Cash relief contributions—Continued.	
Netherlands—Netherlands Red Cross	$5,000.00
Palestine—Relief in Palestine	10,000.00
Persia—Persian relief	6,618.00
Poland—	
Polish victims relief committee	8,000.00
American Polish relief committee	2,400.00
Russia—	
Russian Red Cross	3,700.00
Hospitals in Russia where American Red Cross units are on duty	5,000.00
Russian prisoners in Germany	392.50
Maintenance of American Red Cross unit in Russia	4,000.00
Serbia—	
Serbian Red Cross	1,005.00
Serbian agricultural relief committee	573.00
Relief in Serbia	1,000.00
Serb-Montenegrin Red Cross	177.50
Siberia—Sick and wounded prisoners in Siberia	
Switzerland—	
Swiss Red Cross	200.00
Relief in Switzerland	100.35
Syria—Relief in Syria	18.00
Turkey—	
Relief in Turkey	1,013.20
Hospitals in Constantinople	5,000.00
Hospitals in Turkey	15,000.00
Committee of mercy	1,000.00
Relief knitting committee	500.00
Surgical dressing committee of New England Civic Federation	500.00
Miscellaneous	19.30
Net relief expense	773,921.47

European war pension fund.

Fund receipts:	
Transferred from European war relief fund	$15,000.00
Fund payments:	
Total cash payments	760.00
Balance Dec. 31, 1915, in hands of treasurer	14,240.00
	15,000.00

NET RELIEF REVENUE UNDER EUROPEAN WAR PENSION FUND.

No revenue.

NET RELIEF EXPENSE UNDER EUROPEAN WAR PENSION FUND.

Pensions for widows of deceased surgeons	$570.00
Pensions for children of deceased surgeons	190.00
	760.00

Italian earthquake relief fund.

Fund receipts:	
Total cash receipts	$2,662.20
Fund payments:	
Relief expenses	1,198.20
Relief revenue refundments	1,464.00
Total cash payments	2,662.20

NET RELIEF REVENUE UNDER ITALIAN EARTHQUAKE RELIEF FUND.

Contributions	$1,198.20

Digitized by Google

NET RELIEF EXPENSE UNDER ITALIAN EARTHQUAKE RELIEF FUND.

Telegraph and cable	$25.30
Federal emergency revenue tax	.01
Cash relief donation	1,172.89
	1,198.20

Japanese relief fund.

Fund receipts:	
Balance, Jan. 1, 1915	$950.21
Fund payments:	
Transferred to contingent relief fund	950.21

NET RELIEF REVENUE UNDER JAPANESE RELIEF FUND.

No revenue.

NET RELIEF EXPENSE UNDER JAPANESE RELIEF FUND.

No expense.

Lusitania relief fund.

Fund receipts:	
Total cash receipts	$2,193.57
Fund payments:	
Total cash payments	2.43
Balance, Dec. 31, 1915, in hands of treasurer	2,191.14
	2,193.57

NET RELIEF REVENUE UNDER LUSITANIA RELIEF FUND.

Contributions	$2,193.57

NET RELIEF EXPENSE UNDER LUSITANIA RELIEF FUND.

Telegraph and cable	$2.40
Federal emergency revenue tax	.03
	2.43

Mexican relief fund.

Fund receipts:		
Relief revenues		$69,245.12
Relief expense refundments		9,940.35
Total cash receipts		79,185.47
Transferred from contingent relief fund		2,720.19
		81,905.66
Balance, Jan. 1, 1915		4,199.95
		86,105.61
Fund payments:		
Relief expenses		37,156.68
Relief revenue refundments		55.00
Total cash payments		37,211.68
Balance, Dec. 31, 1915—		
In hands of treasurer	$25,000.00	
In hands of fiscal officers	23,893.93	
		48,893.93
		86,105.61

NET RELIEF REVENUE UNDER MEXICAN RELIEF FUND.

Contributions	$69,190.12

Digitized by Google

NET RELIEF EXPENSE UNDER MEXICAN RELIEF FUND.

Personal services:	
Special representative	$565.00
Clerks	50.00
Nurses	401.67
Laborers	67.00
Miscellaneous personal services	91.69
Services other than personal:	
Transportation of persons	503.56
Transportation of things—	
Freight	424.43
Express	15.45
Subsistence and support of persons	998.17
Communication service—	
Telegraph and cable	935.12
Telephone	17.11
Postage	4.50
Printing, engraving, lithographing, binding	840.67
Customs	16.75
Miscellaneous services other than personal	17.50
Supplies:	
Photographic supplies	14.90
Provisions	20,613.47
Medical, surgical, and hospital supplies	1,489.38
Wearing apparel	6.00
Miscellaneous supplies	38.83
Equipment: Transportation equipment	237.60
Sundry expenses:	
Sundry relief operations	261.50
American hospital, Mexico City	100.00
Miscellaneous:	
Federal emergency revenue tax	4.28
Exchange	1.75
Total net expense	27,216.33

Second Balkan war relief fund.

Fund receipts:	
Balance, Jan. 1, 1915	$3,815.19
Fund payments:	
Transferred to contingent relief fund	3,815.19

NET RELIEF REVENUE UNDER SECOND BALKAN WAR RELIEF FUND.

No revenue.

NET RELIEF EXPENSE UNDER SECOND BALKAN WAR RELIEF FUND.

No expense.

Titanic wreck fund.

Fund receipts:	
Total cash receipts	$199.30
Balance, Jan. 1, 1915	1,604.37
	1,803.67
Fund payments:	
Total cash payments	200.00
Transferred to contingent relief fund	1,603.67
	1,803.67

NET RELIEF REVENUE UNDER TITANIC WRECK FUND.

No revenue.

Digitized by Google

NET RELIEF EXPENSE UNDER TITANIC WRECK FUND.

Cash relief donations	$199.00
Less expense refundment; cash relief donation	199.30
	.70

Endowment fund.

Fund receipts:	
Total cash receipts	$25,293.60
Balance Jan. 1, 1915	6,672.36
	31,965.96
Fund payments:	
Endowment revenue refundment	75.00
Transmitted to trustees of the endowment fund	7,048.36
Total cash payments	7,123.36
Balance Dec. 31, 1915, in hands of treasurer	24,842.60
	31,965.96

NET ENDOWMENT REVENUE UNDER ENDOWMENT FUND.

Contributions	$15,722.00
Life-membership dues	6,659.60
Patron-membership dues	1,800.00
Profit on sale of book Under the Red Cross Flag	37.00
Legacy	1,000.00
	25,218.60

Special deposits.

Receipts:	
Special deposits received	$2,377.56
Payments:	
Special deposits paid	2,377.56

Special loans.

Receipts:	
Special loans made	$369.68
Payments:	
Special loans liquidated	369.68

O

Digitized by Google

64TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT No. 1308

CITIZENSHIP OF SAMUEL SCHWARZ

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES

TRANSMITTING,

IN RESPONSE TO A RESOLUTION OF THE HOUSE OF REPRESENTATIVES ADOPTED JULY 14, 1916, A COMMUNICATION FROM THE ACTING SECRETARY OF STATE SUBMITTING A REPORT OF THE ACTION TAKEN BY THE DEPARTMENT IN THE CASE OF SAMUEL SCHWARZ, CLAIMING AMERICAN CITIZENSHIP

JULY 29, 1916.—Referred to the Committee on Foreign Affairs and ordered to be printed, with illustration

WASHINGTON
GOVERNMENT PRINTING OFFICE
1916

Digitized by Google

Digitized by Google

CITIZENSHIP OF SAMUEL SCHWARZ.

To the HOUSE OF REPRESENTATIVES:

In response to the resolution adopted by the House of Representatives on July 14, 1916, reading as follows:

Resolved, That the Secretary of State be, and he is hereby, requested to furnish the House of Representatives with a statement of what he has done to secure the release of Samuel Schwartz, an American citizen alleged to be unjustly deprived of his liberty by or under the authority of the Government of Great Britain since proof was given him that the said Samuel Schwartz did not expatriate himself, but on the contrary resided at 22 West One hundred and Twelfth Street, New York City, from 1902 to 1907.

I transmit herewith a report from the Secretary of State and accompanying papers, showing the action taken by the Department of State in the case of Samuel Schwartz claiming American citizenship and alleged to have been unjustly deprived of his liberty by authority of the Government of Great Britain.

WOODROW WILSON.

THE WHITE HOUSE, *July 29, 1916.*

The PRESIDENT:

The undersigned, the Acting Secretary of State, in response to the resolution adopted by the House of Representatives on July 14, 1916, reading as follows:

Resolved, That the Secretary of State be, and he is hereby, requested to furnish the House of Representatives with a statement of what he has done to secure the release of Samuel Schwartz, an American citizen alleged to be unjustly deprived of his liberty by or under the authority of the Government of Great Britain, since proof was given him that the said Samuel Schwartz did not expatriate himself, but, on the contrary, resided at 22 West One hundred and twelfth Street, New York City, from 1902 to 1907,

has the honor to lay before the President, with a view to its transmission to the House of Representatives, if his judgment approves thereof, the following report:

On May 18, 1916, in response to a resolution of the House of Representatives dated May 13, 1916, a summary of the correspondence on file in the Department of State, together with a statement of the case of Samuel Schwarz, was submitted to the President and by him transmitted to the House of Representatives with his message of May 22, 1916, and is now printed as House Document No. 1153 of the Sixty-fourth Congress, first session. Supplementing that report the following summary of the correspondence on file in the Department of State since May 18, 1916, with reference to the case of Samuel Schwarz, is submitted.

On June 15, 1916, Representative Bennet, of New York, left with the department a statement, dated New York, May 29, 1916, written

Digitized by Google

on the letterhead of the board of elections of the city of New York, and signed by one George W. Conklin, in which it is stated that—

I find that one Samuel Schwarz, residing at 22 West One hundred and twelfth Street, Borough of Manhattan, registered and voted as follows:

Year.	Age.	Date of naturalization.	Country.	Voted ballot.
1902	51	Nov. 25, 1901	Hungary	293
1903	52	do	do	246
1904	.....	Did not register or vote from this address	.....	.....
1905	.....	do	.....	.....
1906	.....	do	.....	.....

In addition, Representative Bennet left affidavits tending to show that Samuel Schwarz resided at 22 West One hundred and twelfth Street, New York, from 1902 to early part of 1907, by the following persons, all residing in New York City: Charles Reinecke, David Rand, Rose Rand, Armand Friedman, John Hirsch, Sidney Klein, Joseph Aul, Carrie Aul; a statement from Dr. M. Katzenberg, and two affidavits from Rosa Schwarz, the alleged wife of Samuel Schwarz, dated May 24, 1916, and June 13, 1916, respectively.

The affidavits of Rosa Schwarz state that she is wife of Samuel Schwarz; that they were married in Mexico City in 1895; that she never assisted her husband to escape from prison at Graz, Hungary, or anywhere else; and that so far as she knows her husband has not been convicted of any crime, nor imprisoned since her alleged marriage to him until he was arrested and convicted in England in 1914 for failing to register. She further states that Schwarz went abroad in March, 1907, and has remained abroad ever since, save for visits to the United States in 1910 or 1911; that after going abroad he returned to Austria and Hungary for a short time; and that at the time of his arrest in London in 1914 he was engaged in securing a loan on the security of some obligations of the Japanese Government which called for the payment of 125,000,000 francs.

In a letter dated June 23, 1916, the department requested the Department of Justice to secure from Rosa Schwarz additional facts, not given in her affidavits submitted by Representative Bennet, covering the movements of Schwarz after leaving the United States in 1907, the places in which he had resided, and the business engaged in, with the years and months, as far as possible, in each case. The Department of Justice was also asked to secure from Rosa Schwarz a statement with regard to the date and place of her birth, her name before marriage, and other pertinent facts. None of this information was contained in the affidavits submitted by Mr. Bennet. On July 7 the Department of Justice transmitted a statement from one of its agents in which he stated that he had been unable to secure any information from Rosa Schwarz with regard to the movements of Schwarz after his departure from the United States in 1907. He further stated, "That in a general sort of way she stated that he was born in Budapest, Hungary, 66 years ago, that she was born at Rosenoni (Rosenau?), Hungary, 48 years ago; that they were married in Mexico City 17 years ago; that it has been 22 years since he first came to the United States," and "that he has lived at the Savoy

Digitized by Google

Jahrgang. No. 49.

Internationales Criminal-Polizeiblatt

Gegründet 1887 von Polizeirat Travers.

Mit Genehmigung des Kgl. Ministeriums des Innern in Berlin herausgegeben und redigiert von W. Schmidt, Kriminalinspektor bei dem Kgl. Polizei-Präsidium in Frankfurt a. M.

Das einzige in drei Sprachen erscheinende, amtlich empfohlene Fahndungsblatt, das von Deutschland nach dem Auslande geht.

Moniteur International de Police Criminelle • The International Criminal Police Times

Francfort a. M. (Allemagne) Jeudi, 9. novembre 1911.	Frankfurt a. M. (Deutschland) Donnerstag, 9. November 1911.	Frankfort a. M. (Germany) Thursday, November 9. 1911.

Zu pos. 968. Samuel Ludwig Schwarz.

Zu pos. 969. Rosa Goldmann.

Zu pos. 940. Heinrich Alfred Hedinger.

968 Samuel Ludwig Schwarz,
dont portrait ci-dessus, pos. 938, né le 5. juillet 1851 a Budapest, originaire de là, israélite, marié, agent de bourse, taille moyenne, corpulence forte, teint basané, joues roses, dents plombées or, chauve tête, moustache grise, parle l'allemand, le français, l'anglais et le hongrois, accusé d'escroquerie et d'instigation a une action criminelle.

Arrêtez-le sous avis immédiat

969 Rosa Goldmann, nommée Gömöry et Rosa Schwarz,
dont portrait ci-dessus, pos. 939, maîtresse du S. L. Schwarz, née le 27. août 1866 a Rosenau (Rosnjo) Hongrie, originaire de Budapest, israélite, mariée, ancienne actrice et vendeuse, taille moyenne, forte poitrine, teint pâle, cheveux et yeux foncés, porte des vêtements élégants, parle l'allemand, le français, l'anglais, le hongrois, est prévenue de corruption d'un officier public et d'instigation à une action criminelle.

Arrêtez-la sous avis immédiat.

Grâce (Autriche), 1. novembre 1911.
Le tribunal rég. et pénal r. i., div. VII.
Le Juge d'Instruction.

968 Samuel Ludwig Schwarz,
vorstehend zu pos. 938 abgebildet, geboren am 5. Juli 1851 in Budapest, dorthin zuständig, mosaisch, verheiratet, Börsenagent, mittelgroß, ziemlich stark, brünette Gesichtsfarbe, rote Wangen, stark mit Gold plombierte Zähne, kahlköpfig, grauen Schnurrbart, spricht deutsch, französisch, englisch, ungarisch, wegen Verbrechens des Betruges und der Anstiftung zur Vorschubleistung.

Verhaften – einliefern!

969 Rosa Goldmann auch Gömöry und Rosa Schwarz genannt
vorstehend zu pos. 939 abgebildet. Geliebte des S. L. Schwarz, geboren 27. August 1866 in Rosenau (Rosnjo) Ungarn, nach Budapest zuständig, mosaisch, verheiratet, früher Schauspielerin und Verkäuferin, mittelgroß, starke Büste, blasse Gesichtsfarbe, dunkle Haare und dunkle Augen, elegant gekleidet, spricht deutsch, französisch, englisch, ungarisch, wegen Verbrechens der Bestechung eines öffentlichen Beamten und Vorschubleistung. Verhaften – einliefern.

Graz (Österreich), 1. November 1911.
K. k. Landes als Strafgericht, Abt. VII.
Der Untersuchungsrichter.

968 Samuel Ludwig Schwarz,
whose photo is shown above, pos. 938, born on July 5. 1851 at Budapest, nativity Budapest, israelite, married, agent, medium height, strong build, brown complexion, rosy cheeks, gold filled teeth, slightly bald, grey moustache, speaks German, French, English and Ungarian, wanted for fraud and instigation to a criminal action.

Arrest and notify.

969 Rosa Goldmann alias Gömöry and Rosa Schwarz,
whose photo is shown above, pos. 939, mistress of S. L. Schwarz born on August 27 1866 at Rosenau (Rosnjo) Ungarn, nativity Budapest, israelite, married, former actress and shop-man, medium height, [illegible], pale complexion, dark hair and dark eyes, wears elegant clothes, speaks German, French, English and Ungarian, wanted for corruption of a public officer and instigation to a criminal action. Arrest and notify.

Graz (Austria), November 1. 1911.
The r. i. penal and district's Court, division VII.
The Judge of Investigation.

Digitized by Google

Digitized by Google

Hotel, London, England, for many years, and was a broker and salesman for radium while there."

In a telegram dated June 23, 1916, the department directed the embassy at London to obtain from Samuel Schwarz a detailed statement with regard to his movements since leaving the United States, with dates and places. The embassy was also directed to obtain from Schwarz a statement with regard to the loan which he was alleged to have been negotiating when arrested, to be secured by certain obligations of the Japanese Government, mentioned for the first time in the affidavit of Rosa Schwarz of May 24, 1916.

In a telegram of June 23, 1916, the department directed the consul general at London to report as to the reliability of the International Criminal Gazette.

In a telegram dated June 24, 1916, from the consul general at London, the department was advised that the "Criminal Gazette containing report re Schwarz is published Frankfort, Germany. Prior to war was subscribed for by Scotland Yard. Deemed good paper in its line."

In telegram, dated June 23, to the consul general at Budapest, the department said:

See your dispatch March 23 to consul, London, concerning appeal by woman for financial assistance as wife of Samuel Schwarz, now imprisoned in London. Ascertain from her when and where she was married to him; obtain documentary proof of marriage. Ascertain full names, dates, places of birth of herself and husband. Telegraph information obtained. If possible, obtain detailed statement concerning residence of Schwarz since 1902; also statement from authorities concerning periods of his residence in Hungary and his criminal record. Department informed Schwarz escaped from prison in Graz in 1911. Report fully in writing.

In a telegram (No. 1319) dated June 30, 1916, the embassy at Vienna transmitted a message from the consul general at Budapest, reading as follows:

Your twenty-third. Samuel Schwarz born Budapest July 2, 1851; married Bertha Weiss in Budapest December 15, 1878. She was born February 28, 1858, at Zenta, Hungary. Have seen marriage certificate issued by Budapest synagogue. Mrs. Schwarz resided with husband in New York between 1902 and 1907. From then until 1910 Schwarz resided variously in London, Paris, Berlin, and Budapest. Couple separated in 1909, and since then wife has no certain knowledge of husband's movements. Report further by mail.

In dispatch No. 2183, dated June 30, 1916, the consul general at London reported that the International Criminal Polizieblatt, or the International Criminal Police Gazette, published at Frankfort, was considered of value to officers of Scotland Yard who were engaged on German and Austrian extradition work. With this dispatch was transmitted a photographic copy of the issue of November 9, 1911, of this paper, which is called in the English translation of the title, "The International Criminal Police Times," containing pictures numbered 938 and 939, respectively, of Samuel Schwarz and Rosa Goldmann, together with a statement in three different languages of their criminal records. A copy of a statement received by the consul general on August 17, 1915, signed "Samuel Schwarz, alias Simon Stern," in which he states that "up to 1911 from 1901, I been about three times over here." The consul general further advises that he was arranging to secure another statement from Schwarz in response to our telegram of June 23 to the embassy at London, but that

Digitized by Google

Schwarz was no longer in London and it could not be obtained at once.

In a letter dated July 22, 1916, the department advised Representative Bennet of the unsuccessful attempt to secure a statement from Rosa Schwarz with regard to the movements of Samuel Schwarz since leaving the United States in 1907, and requested him to obtain from her, if possible, the information desired and transmit same to the department.

The facts relating to the citizenship of Samuel Schwarz as ascertained by the department to date are:

On July 19, 1902, he obtained a passport from the department upon an application in which he stated that he was born in Budapest, Hungary, July 5, 1851, emigrated to this country in 1894, obtained naturalization as a citizen of the United States in the district court of the United States in New York City November 5, 1901, and resided in New York, where he followed the occupation of a broker.

While there is some evidence that he went abroad at this time, at least temporarily, as, for instance, his statement of August 17, 1915, to the consul general in London, that "up to 1911 from 1901 I been about three times over here," and his statement under oath to Vice Consul Wilson at London on August 7, 1915, "I have not been in Hungary since 1902," the affidavits submitted by Representative Bennet since the report made by the department on this case on May 18, 1916, tend to show that he was not absent from this country for any length of time between 1902 and 1907, but that he left here in March, 1907, and has resided abroad ever since, a period of nine years, except, possibly, for visits to this country in 1910 or 1911.

Many conflicting statements have been made at different times with regard to the facts in this case. On August 7, 1915, Schwarz stated under oath to Vice Consul Wilson at London that he had not been in Hungary since 1902, while Rosa Schwarz in her affidavit dated May 24, 1916, states that he was in Austria and Hungary for a short time after leaving the United States in 1907, and in the telegram from the consul general at Budapest his wife, Bertha Schwarz, states that he lived in Budapest for a time after leaving the United States.

In her affidavit of May 24, 1916, Rosa Schwarz states that she was married to Schwarz in Mexico City in 1895, while in a statement to a member of the consulate general in London, Schwarz, upon being asked if Rosa Blum was his lawful wife, replied, "Boon, Rosa Goldmann (never called Blum), she married me in 1900 or 1901. Knew her 10 or 12 years before marriage."

The photographic copy of the issue of November 9, 1911, of the International Criminal Police Gazette, or Times, published at Frankfort, Germany, a reliable publication, published with the approval of the royal ministry of interior at Berlin, contains pictures and a statement of the criminal records of Samuel Schwarz (No. 938) and Rosa Goldmann (No. 939). This is one of the names given by Schwarz as being that of Rosa Schwarz at the time of his alleged marriage to her. Different members of the embassy and consulate general in London have had opportunity to see these pictures and have identified that of Samuel Schwarz (No. 938) as being the same as Samuel Schwarz, alias Simon Stern, whom they have seen a number of times. Since the receipt of a photographic copy of this issue

Digitized by Google

of the Gazette officials of the State Department with whom Rosa Schwarz has at different times talked have positively identified the picture of Rosa Goldmann (No. 939) as being the same woman. The statement accompanying the picture of Samuel Schwarz, or Samuel Ludwig Schwarz, as the name is given therein, reads as follows:

Samuel Ludwig Schwarz, whose photo is shown above, pos. 938, born on July 5, 1851, at Budapest, nativity Budapest, Israelite, married, agent, medium height, strong built, brown complexion, rosy cheeks, gold-filled teeth, slightly bald, gray mustache; speaks German, French, English, and Ungarian; wanted for fraud and instigation to a criminal action. Arrest and notify.

It is to be noted that Samuel Schwarz stated in his passport application that he was born at Budapest on July 5, 1851, and has repeatedly made this statement.

Accompanying the picture of Rosa Goldmann is a statement reading as follows:

Rosa Goldmann, alias Gomory and Rosa Schwarz, whose photo is shown above, pos. 939, mistress of S. L. Schwarz, born on August 27, 1866, at Rosenau (Roszujo), Ungaria, nativity Budapest, Israelite, married; formerly actress and shopmaid; medium height, thick breast, pale complexion, dark hair and dark eyes; wears elegant clothes; speaks German, French, English, and Ungarian; wanted for corruption of a public officer and instigation to a criminal action. Arrest and notify.

Graz, Austria, November 11, 1911.

The r. i. penal and district's court, Division VII, the judge of investigation.

On July 7, 1916, the Department of Justice advised the Department of State that Rosa Schwarz stated to the agent sent to examine her that she was born at Rosenoni, Hungary. This, doubtless, is one way of spelling the Hungarian word Rosenau (Roszujo).

As stated in the report of the department of May 18, 1916, the consul general at London had inclosed a copy of a paper from the files of the former Austro-Hungarian consulate in London concerning a request of October 21, 1911, for the arrest of Samuel Schwarz and a woman, Rosa Goldmann, alias Goernerz, posing as his wife. It appeared from this paper that Schwarz had recently escaped from jail in Graz, Hungary, where he had been imprisoned for obtaining by fraud money amounting to 170,000 kronen, and that Schwarz had been aided in his escape by Rosa Goldmann.

In the year 1911 Schwarz was imprisoned at Graz, Hungary, for obtaining money through fraud, and escaped from the prison in October of that year. There is nothing in the affidavits submitted by Representative Bennet to show movements of Schwarz after leaving the United States in 1907, nor have any of the statements the department has received from Schwarz furnished any definite information with regard to his movements during that time. On the other hand, the information received by the department shows that Schwarz returned to Hungary, his place of birth, accompanied by his wife, Bertha, after leaving the United States in 1907, and that he was residing there when imprisoned at Graz in 1911. Furthermore, at the time of his arrest in London in 1914 he had been living abroad for over seven years, save, possibly, for a visit to this country.

In view of these facts and others as set forth in the report of May 18, 1916, the department is of the opinion that Schwarz has not at this time overcome the presumption of expatriation which arose against him under the provisions of section 2 of the act of March 2, 1907, and that he is not entitled to the protection of this Government

Digitized by Google

The undersigned has the honor to inclose a copy of telegram No. 1319, dated June 3, 1916, from the embassy at Vienna, transmitting statement of consul general at Budapest, and a photographic copy of the issue of November 9, 1911, of the International Criminal Gazette, or Times.

Respectfully submitted.

FRANK L. POLK,
Acting Secretary of State.

DEPARTMENT OF STATE,
Washington, July 27, 1916.

(Copy.)

[Telegram received from Vienna, via Bern, dated June 30, 1916. Received July 1, 1 a. m.]

1319. June thirtieth. From Budapest.

SECRETARY OF STATE, *Washington.*

Your twenty-third. Samuel Schwarz, born Budapest July 2, 1851, married Bertha Weiss in Budapest December 15, 1878. She was born February 28, 1858, at Zenta, Hungary. Have seen marriage certificate issued by Budapest synagogue. Mrs. Schwarz resided with husband in New York between 1902 and 1907. From then until 1910 Schwarz resided variously in London, Paris, Berlin, and Budapest. Couple separated in 1909 and since then wife has no certain knowledge of husband's movements. Reporting further by mail.

COFFIN.

O

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 1311.

TRANSPORTATION OF TROOPS TO MEXICAN BORDER.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING,

IN RESPONSE TO HOUSE RESOLUTION 292, INFORMATION REGARDING THE TRANSPORTATION OF TROOPS TO THE MEXICAN BORDER.

JULY 29, 1916.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington, July 21, 1916.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: In reply to House resolution 292, I have the honor to transmit to you the following information:

First. Troops of the National Guard mustered into the service of the United States and on their way to the Mexican border have been, in some instances, transported in day coaches. This was done only in cases where, due to the urgency of the situation on the border and the large number of troops being moved at one time, it was not practicable to delay. When day coaches were used three men were assigned to each four sittings, in accordance with the rule invoked in like cases in transporting organizations of the Regular Army. In some cases the railroad company, without extra charge, allowed each two men to occupy four sittings. Wherever it could be done, arrangements were made to transfer troops from day coaches to tourist sleepers while en route.

Second. No cars without lights were used to transport troops.

Third. Trains were not sidetracked or delayed beyond what should be reasonably expected, due to the great number of special trains employed, most of them manned, no doubt, by extra train crews.

Fourth. Regular Army rations more than sufficient for the journey were furnished to all troops either upon leaving their mobilization camps or, in accordance with a prearranged plan, while en route.

Digitized by Google

Where the necessary ranges and boilers were not placed on trains, the troops were furnished in advance of the movement with money for the purchase of hot coffee at the same rate as troops of the Regular Army are allowed under similar conditions. No reason existed for troops seeking food from civilians. Drinking water arrangements were ample.

Fifth. All cars used were inspected with a view to remedying any defects or deficiencies which would imperil the health or safety of the troops assigned to them. The inspections were made, as a rule, by the quartermaster, accompanied in some cases by the train commander, the train quartermaster, the mustering officer, or the surgeon.

Sixth. As rapidly as possible, all National Guard troops mustered into the service of the United States are being equipped with arms and accouterments identical with those furnished the Regular Army. The delays have been due to lack of reserve supplies kept on hand for the purpose.

The telegraphic reports rendered by the commanding generals of the Eastern, Western, and Central Departments in reply to the inquiries above referred to, are herewith.

Respectfully,

NEWTON D. BAKER,
Secretary of War.

[Telegram.]

SAN FRANCISCO, CAL., *July 15, 1916.*

ADJUTANT GENERAL,
Washington, D. C.:

Replying to telegram 12th instant, House resolution 292, senior mustering officers mobilization camps, this department, report as follows:

SACRAMENTO, CAL., *July 14.*

Answering your telegram July 13, quoting War Department telegram July 12, referring to resolution 292, report as follows:

First. All troops transported in cars with sufficient sleeping space, three men per section.

Second. All cars have light.

Third. No trains were sidetracked or delayed en route while troops were traveling; equaled through passenger time.

These reports were based on verbal reports made to me by American Railway Association representative, Mr. Whitney, who kept in touch with trains en route.

Fourth. All troops given 5 to 10 days' travel rations and were provided with baggage cars converted into kitchen cars for preparation of meals and coffee en route, in accordance with Army Regulations. No troops obliged to seek food of citizens. Cars had sufficient drinking water.

Fifth. All cars were inspected to protect health and safety to troops. Inspection made by Capt. Asa M. Clark, quartermaster corps, National Guard, California.

Sixth. Troops were equipped with arms and accouterments for actual service in time of war. My difficulty was not in furnishing equipment, but in getting regimental and separate organization commanders to requisition or give me a simple list of the articles they needed to equip their troops. I gave them a complete list of equipment A and B required in every organization and for the individual, but had difficulty in getting them to give me a list of articles they needed. The adjutant general of State was present at all times and cooperated with me in equipping these troops. Having anticipated the call, the State arsenal was well stocked. The Western Department quartermaster and the Ordnance Department promptly shipped to this point supplies to equip troops in excess of the minimum strength. These supplies arrived before the troops reached camp. There was no complaint on the part of the State, nor did I hear any complaint on the part of troops. Time did not permit a formal inspection of organizations to determine completeness of equipment. Troops

Digitized by Google

submitted upon departure lists of ordnance and quartermaster stores needed which they had failed to ask for in their original requisitions. Shipment is being made to cover these lists.

HANIGAN,
Captain, Infantry, United States, Mustering Officer.

PORTLAND, OREG., *July 13.*

Your wire 13th, reference data House resolutions, following covers Oregon troops sent to border from this mobilization camp.

1. Ample and suitable sleeping facilities. All cars furnished were tourists and standard cars and excellent equipment throughout.
2. Cars were suitably lighted.
3. Transportation was not sidetracked and delayed to accommodate private business.
4. Troops carried five or more days' garrison rations and were subsisted in accordance with United States Army Regulations. Not obliged to seek food from civilians. Supply of drinking water ample when troop trains departed, and no shortage en route reported.
5. Cars used by troops inspected by camp quartermaster, train commanders, and train quartermaster to protect the health and safety of the troops assigned to them.
6. All Oregon troops were equipped with arms and accouterments required by Army Regulations for actual field service in time of war, except machine-gun company, which was not equipped with machine guns, but equipped with pistols. This company was accepted as Organized Militia June 2, and at that time orders were transmitted to adjutant general, State of Oregon, that machine guns would be supplied after July 1 after muster in Federal service. I wired War Department and was advised that machine guns would reach this organization after its arrival at border.

WILLIAMS, *Mustering Officer.*

FORT DOUGLAS, UTAH, *July 13.*

Re telegram this date:

1. Troops leaving this camp have been provided adequate sleeping space.
2. Lights have been furnished. No delays have occurred. Troops have been furnished subsistence as required by Army Regulations. All cars have been watered and iced before leaving this station. Trains inspected by quartermaster and mustering officer and found suitable. All troops properly armed and equipped except for ammunition.

SANTSCHI.

BOISE, IDAHO, *July 13.*

Re telegram this date, unable to answer definitely all questions.

First. Second Idaho Infantry here short 13 tourist sleeping cars, but were met at Salt Lake. One night travel by these.

Second. All cars leaving here were properly lighted.

Third. Cars were evidently sidetracked and delayed, as 85 hours were required for a 50-hour trip.

Fourth. Troops left here with proper subsistence.

Fifth. Cars were inspected by regimental quartermaster and surgeon, I believe.

Sixth. Troops properly equipped for field service, except for animals and ammunition, which were wired for.

GARBER, *Mustering Officer.*

Reference apparent trains distance Boise to Nogales approximately 1,850 miles. In view trains were composed freight and passenger cars, time made by railroads considered good.

HELENA, MONT., *July 13.*

Following replies to questions House resolution 292:

First. Regiment and sanitary troops left here with cars having sufficient sleeping space, except for one section not sufficient, railroad officials promised that additional equipment about 100 miles distant would be added to train. Never advised by regimental quartermaster. Five cars were inspected by myself and more thoroughly by surgeon. Reported sanitary and safe.

Digitized by Google

Sixth. Are equipped and accoutered for war strength for service in field, except for few minor differences. Regiment left here with less than one thousand. Surgeon failed to take along tentage. Has since been shipped.

HOFMANN.

HELENA, MONT., *July 15.*

Reference my telegram 13th inst.

Question 2. Troops left here during daylight.

Question 4. Troops en route had 10 days' rations, in accordance with Army Regulations. Journey took a little more than four days. Were not obliged to seek food. Supply drinking water sufficient to start. Have wired regimental commander for data to complete answers.

HOFMANN.

SEATTLE, WASH., *July 14.*

Reference telegram July 13.

First. Regiment provided with four standards, five tourists; remainder by coaches troop and signal corps all tourists.

Second. All sections on leaving properly lighted.

Third. No sections delayed en route.

Fourth. Subsistence according to Army Regulations more than ample. Rations provided even in case of two days' delay. Ample drinking water, extra barrels provided in cars. Cars all inspected by me, by an officer of each section detailed for that purpose and by Mr. Sater representing railway not fully equipped according to equipment C, ample and sufficiently equipped until they arrived at border. Have wired commanding officer for report while en route not answered to date.

COBURN.

Will telegraph reports from organization commanders of troops on border as soon as received.

Personally inspected and supervised administration mobilization camps. Everything which could be controlled by subordinates of Regular Army, and those at these headquarters as promptly and thoroughly done as possible under circumstances.

Consider mobilization and forwarding of troops to border relatively most creditable to all concerned.

Not a single complaint received here from any source.

Further reports in detail by mail later.

BELL.

[Postal Telegraph.]

SAN FRANCISCO, CAL., *July 17, 1916.*

ADJUTANT GENERAL,
Washington:

Reference telegram 15th instant, reply House resolution 292, following additional reports:

NOGALES, ARIZ., *July 17.*

Reference National Guard troops from Western Department:

First. All were furnished sufficient sleeping space, except Second Idaho, which had accommodations for half the men to Salt Lake City; therefrom, four men to a section.

Second. Cars were properly lighted.

Third. Second Idaho is only organization reporting delay en route.

Fourth. All were subsisted by Government according to Army Regulations. Water supply ample.

Fifth. Cars were properly inspected by medical officer and railroad officials.

Sixth. Organizations are without animals and ammunition, by lack certain ordnance and clothing, also blank forms.

SAGE.

Digitized by Google

NOGALES, ARIZ., *July 15.*

Replying your telegram to Southern Department, following information furnished regarding California Infantry Brigade:

First. Troops had sufficient sleeping space.

Second. Cars were sufficiently lighted.

Third. Cars were not sidetracked or delayed en route to accommodate private business.

Fourth. Troops en route were subsisted on Government rations and not obliged to seek food of citizens, and supply of drinking water in cars was sufficient.

Fifth. Cars were inspected by senior officer on each train.

Sixth. Troops equipped at mobilization camps with arms and accouterments for minimum strength, and deficiency being supplied at concentration camps.

WANKOWSKI, *Brigadier General.*

Additional report pertaining Montana Militia as follows:

HELENA, MONT., *July 77.*

Reference my telegram July 15, Montana Regiment quartermaster reports.

Question 2. Cars sufficiently lighted.

Question 3. Sidetracked at no time. Good water always; had sufficient sleeping cars for journey.

HOFMANN.

Reference delay Idaho troops, see remarks telegram 15. Shortage clothing due to Organized Militia not having arms, uniforms, and equipment prescribed Army Regulations 455. section 1A necessitating use of arms, equipment, and clothing furnished under B, same regulations. See Circular 10, Bureau Militia Affairs, 1915, prescribing minimum articles and quantities supplies to be kept on hand and apparatus insufficient to equip troops for field service as required by regulations. Plentiful supply administrative blanks forwarded all depots. Ammunition is supplied under orders War Department Army Regulations 455, section 5.

BELL.

[Postal Telegraph.]

CHICAGO, ILL., *July 14, 1916.*

ADJUTANT GENERAL, ARMY, *Washington, D. C.:*

Replying your telegram July 12, reference report called for by House resolutions.

First. In accordance with War Department instructions, sleeping cars were furnished only by Quartermaster General's Office and I had no control over supply or assembling such equipment. War Department orders directed coaches must be used on basis of three men to each two double seats and that troops be not held at mobilization camps awaiting tourist sleepers, explaining that where forwarded from point of origin in day coaches, every effort is being made to meet trains en route with tourist sleepers. In some cases troops started in day coaches.

Second. All troop trains from this department are reported to have left with proper lighting facilities.

Third. Have no information that any cars were side tracked or delayed en route to accommodate private business.

Fourth. All troops leaving mobilization camps this department after July 1 carried 10 days' rations. The comparatively few organizations leaving prior to July 1 carried sufficient rations to allow for delays en route. All troops had sufficient to carry them to border. Report was made that part of Fifth Nebraska Infantry had occasion to call upon railroad authorities in Oklahoma for assistance in procuring one day's rations. They started with 10 days' rations. All troop trains were provided with either baggage or open end box cars with cooking arrangements. Water was provided before departure for all troop trains in accordance with regulations. In many cases extra water cans and ice were carried.

Fifth. All troop trains were inspected by camp quartermasters and in many cases by senior mustering officers, surgeons, organization commanders, and railroad officials.

Sixth. All troops in the Central Department were equipped with arms and accoutrements required by Army Regulations except machine guns for Colorado, Illinois, Indiana, Nebraska, First Kansas Infantry, Thirty-third Michigan Infantry, and one Ohio regiment. Colorado and Missouri troops were short a few pistols and horse equipments. All requests from troops passing through Chicago en route to border from other departments were promptly filled.

BARRY.

Digitized by Google

[Western Union special.]

GOVERNORS ISLAND, N. Y., *July 15, 1916.*

THE ADJUTANT GENERAL,
Washington, D. C.:

Re your telegram 12th instant, sleeping space furnished National Guard troops mustered into service of United States en route to Mexican border was that prescribed by War Department. When available, tourist sleepers have been provided. When not available, day coaches provided at War Department regulation of three men to each two double seats. When day coach equipment was available, the railroads provided one double seat to each man without extra charge. Troops have been transferred from day coaches to tourist sleepers en route whenever possible to do so. Cars without lights were not used to transport troops. Troop trains were not sidetracked or delayed to accommodate private business, but troop trains have been held on request of commanding officers to exercise men and animals and for bathing men. Troops en route were subsisted by Government according to United States Army Regulations and issue of 10 days' travel rations was made under special instructions from War Department. No reason for troops seeking food of citizens en route. Understood ample drinking water was supplied and chief mustering officers at mobilization camps were specifically informed by these headquarters to enforce regulation for supplying troop trains with extra barrels of drinking water for each car. Understood here that cars of all troop trains were inspected as prescribed by regulations. The troops of National Guard have been equipped with arms and accouterments required by Army Regulations before being forwarded to Mexican border, in accordance with urgent telegrams from War Department, dated June 23 and June 25, directing troops be forwarded to Mexican border as soon as reasonably equipped for field service. All troops that could not be equipped on this basis are being held in the State mobilization camps until the supply departments can equip them to this minimum. Telegrams sent mustering officers at all camps from which troops have left, directing them to telegraph these headquarters categorical answers to queries in House resolution. When reports received they will be promptly forwarded.

WOOD.

[Western Union special.]

GOVERNORS ISLAND, N. Y., *July 15, 1916.*

THE ADJUTANT GENERAL OF THE ARMY, *Washington:*

Replying to your telegram of the 11th, the substance of the answer is found in my telegram of this morning. All troops leaving mobilization camps of this department for the border are furnished with 10 days' travel rations. Trains are provided with either a cook car or baggage car with a range set up in the car. This has been done in all cases where possible. Where there was no opportunity to provide coffee on the train, coffee money has been provided. Prior to muster into the Federal service subsistence for State troops has been provided by the State. It is not possible unless rations have been thrown away that troops which have been reported short of rations, Kansas City, Cincinnati, could have been short. Every precaution has been taken to see that they start with an ample supply. These troops are largely recruits untrained and undisciplined and under officers of comparatively little experience. I have telegraphed all mustering officers for a statement as to supplies, rations, etc., to all troops leaving mobilization camps under their charge. Will forward these as soon as possible. On June 30 the following telegram was sent to all senior mustering officers at mobilization camps:

"See to it that all troops leaving for the border are furnished with necessary coffee money and with necessary travel rations sufficient to take them to their destination, and if these are not procurable, then with money to purchase the same, funds to be obtained from local United States disbursing officers. On all trains on which animals are taken, see that sufficient forage is taken in order that forage for journey may be certainly available. Acknowledge receipt.—Simpson."

On July 2 the following telegram was sent to the senior mustering officer at each mobilization camp:

"Cause all troops going to Mexican border to be provided with and take on train with them 10 days' rations and 10 days' forage for animals. Any former orders conflicting with these are hereby cancelled. Please notify adjutant general of State accordingly.—Simpson."

On July 4 the following telegram was sent to all senior mustering officers:

"From press reports and other sources these headquarters are informed that some of the organizations from this department en route to Texas complain of lack of food.

Digitized by Google

If true, the commanding officers of these organizations are directly responsible for the same. They are now in the military service of the United States and as such subject to the orders of these headquarters. The department commander directs that the commanding officer of each organization be advised that he is directly responsible for the proper feeding, supply, and discipline of his command, and that any further reports reaching these headquarters of failures to perform these manifest duties will be made the subject of official investigation and disciplinary action if the facts warrant. You will at once communicate these instructions to the commanding officer of each organization mustered in by you before leaving for the border for his information and guidance. Acknowledge receipt and report action.—Simpson."

WOOD.

WAR DEPARTMENT,
Washington, July 28, 1916.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: In further reply to House resolution 292, I have the honor to transmit herewith reports submitted by the Quartermaster General and the Chief of Ordnance too late to be incorporated in my letter of July 21, 1916.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, July 10, 1916.

From: The Adjutant General of the Army.
To: The Chief of Ordnance, United States Army.
Subject: Transportation, subsistence, and equipment of troops of the National Guard now being mustered into the service of the United States.

I am directed by the Secretary of War to inclose herewith a copy of House resolution 292, Sixty-fourth Congress, first session, with request that you return same to this office at the earliest practicable date with remark with reference to so much of it as pertains to the business of the Ordnance Department.

W. M. WRIGHT,
Adjutant General.

[First indorsement.]

ORDNANCE OFFICE, *July 17, 1916.*

To THE ADJUTANT GENERAL UNITED STATES ARMY:

1. Referring to the sixth item of House resolution 292, current series (inclosure 1 herewith), it may be stated that the National Guard troops were equipped with arms and equipment as required by existing law to the full extent of appropriations made by Congress, and adequately, except in the matter of machine guns.

2. The National Guard is not provided with the latest model of infantry equipment, and only partially with service horse equipment and with the service pistol. Horse equipment of an earlier model has, however, been provided, and the former service revolver, caliber .38, has been provided in lieu of the pistol. These will, of course, be

Digitized by Google

replaced as opportunity offers and as funds for the purpose become available. Machine guns have been provided for the National Guard by incurring a deficiency obligation, which Congress has not yet provided funds to meet.

WILLIAM CROZIER,
Brigadier General, Chief of Ordnance, United States Army.

WAR DEPARTMENT,
THE ADJUTANT GENERAL'S OFFICE,
Washington, July 10, 1916.

From: The Adjutant General of the Army.
To: The Quartermaster General of the Army.
Subject: Transportation, subsistence, and equipment of troops of the National Guard now being mustered into the service of the United States.

I am directed by the Secretary of War to inclose herewith a copy of House resolution 292, Sixty-fourth Congress, first session, with request that you return same to this office at the earliest practicable date with remark with reference to so much of it as pertains to the Quartermaster Corps.

W. M. WRIGHT,
Adjutant General.

[First indorsement.]

OFFICE QUARTERMASTER GENERAL,
July 7, 1916.

TO THE ADJUTANT GENERAL OF THE ARMY:

1. In order that method of arranging for the transportation of the troops of the Organized Militia to the Mexican border may be clearly understood, the following general outline of the plans followed is submitted.

(*a*) Immediately on receipt of the order for mobilization of the Organized Militia, routing schedules were prepared in the office of the Quartermaster General and furnished to all department quartermasters. These schedules specified the routing to be used by each organization from the State mobilization camp to the Mexican border and were arranged with a view to an expeditious movement, employing all available lines so far as practicable, so that if it had become necessary to transport all the militia at once, the carriers interested could have performed the service without congestion or delay.

(*b*) When the order was published on June 18, 1916, directing the mobilization of the National Guard and its movement to the Mexican border, the railroads of the country, acting through a special committee on cooperation with the military authorities of the American Railway Association in conjunction with the Office of the Quartermaster General of the Army (whose office is charged, amongst other functions, with the transportation of troops), immediately set in order a plan of cooperation which had been contemplated for some time. The plan included the stationing of representatives of the

Digitized by Google

American Railway Association at all mobilization points to furnish railway information to local quartermasters and to assist them in every way possible in arranging details of transportation with the railroads concerned; similar representatives were stationed at the headquarters of the Eastern, Central, Southern, and Western Departments. There was also located in the city of Washington, D. C., a bureau of the American Railway Association with the object of keeping in constant touch with the railway situation throughout the country, and with the Office of the Quartermaster General in the extraordinary transportation of troops which the railroads were suddenly called upon to effect. At the same time this committee of the American Railway Association called upon the representatives of the various railroads of the country to meet in Washington for the purpose of formulating plans to mutually assist each other if necessary. The object of this was to make all of the surplus railway equipment, motive power, and personnel, of the country available to effect this movement in the most expeditious manner possible.

(*c*) The Pullman Co., in order to centralize the furnishing of tourist sleepers and to utilize the available supply of these cars to the best possible service, changed the supervision of the supply and movement of tourist cars from Chicago, the headquarters of the company, to Washington, where they stationed a competent force, in order that the officials engaged in making this movement could be in immediate touch with the Office of the Quartermaster General.

2. Specific report as to each of the inquiries in House resolution No. 292 is submitted in the following paragraphs:

3. First. Whether the troops of the National Guard mustered into the service of the United States and on their way to Mexico have been, or are being, transported in cars lacking sufficient sleeping space.

No official reports have been received in the Office of the Quartermaster General that would indicate that troops are being transported in cars lacking sufficient sleeping space, although tourist sleeping cars have not always been furnished on account of the limited supply. Articles have appeared in the public prints indicating that in the opinion of the correspondents of the newspapers such was the case. In certain cases where names of troops were specifically mentioned, steps have been taken to call upon the commander of such troops, through military channels, for the purpose of determining whether or not any complaints of this character have been made. When such reports shall have been received, further additional report will be furnished.

To have effected the entire movement of all the troops moving in Pullman or tourist equipment would have required the use of approximately 3,000 cars. The Pullam Co. has made available for the movement of these troops 623 tourist cars, which is approximately 80 per cent of all cars of this class that it owns in the country. Tourist equipment has been furnished troops from the beginning of the movement whenever it has been possible to do so.

In case tourist cars could not be furnished, day coaches were usually supplied by the railroads at the rate of one double seat for each man. In some instances day coaches were supplied at the rate of two double seats for each three men for at least a portion of the distance, which was due to the fact that the railroads anticipated that movements

Digitized by Google

would be kept up in the same intensity throughout as in the first 48 hours, in which case there was not even sufficient railroad equipment immediately available to have furnished promptly the requirements of all troops expected to move. In cases where it has not been possible to furnish tourist equipment for the entire movement, the troops have been met en route and transferred to tourists in every case possible, so that the tourist equipment has been constantly in use.

In reply to a telegram on this question, the department quartermaster, Eastern Department, whose territory covers all States east of the Mississippi and south of the Ohio Rivers and east of the Ohio-Pennsylvania State line, advised as follows:

* * * no organization known to have moved with less space than three men to two double seats. Whenever equipment available railroads of their accord furnished one double seat to each man. Fifty-two thousand one hundred five officers and men moved to date; one hundred eighty three standard sleepers, two hundred eight tourists, one thousand three hundred thirty-one coaches used in movement. Tourists furnished at initail point where practicable, otherwise substituted for day coaches en route.

Taking the number of officers and men shown above and deducting the number carried in standard and tourist sleepers would indicate an average of only 30 men to each coach or not over one to each double seat.

The Commanding General, Central Department (covering the Middle West), states:

* * * War Department orders directed coaches must be used on basis of three men to each two double seats and that troops be not held at mobilization camps awaiting tourist sleepers, explaining that where forwarded from point of origin in day coaches every effort is being made to meet trains en route with tourist sleepers. In some cases troops started in day coaches. * * *

The Commanding General, Western Department (covering the Pacific Coast States), advises that all troops leaving mobilization camps in his department were transported in cars with sufficient sleeping space. In all but two cases tourist sleeping cars were furnished from point of origin, and in these two cases connection with tourists was made a short time after leaving the mobilization camp.

4. Second. Whether such cars have been, or are being, used to transport said troops without light.

But one official report as to the character of light furnished has reached this office, that was in the case of the Fourteenth New York Regiment. It is stated by the general manager of the Pullman Co. that Col. Foote of the Fourteenth New York Regiment of Infantry complained of the poor lighting of cars furnished him in Chicago. In explanation, the general manager of the Pullman Co. states as follows:

As you were advised by the general superintendent, 29th ultimo, it was found necessary, to fill rush orders received for equipment for the transporation of troops, to press into service number of extra sleeping cars lighted by electricity, from which axle generators and batteries were removed when cars were placed in storage. Considerable difficulty and delay have been experienced in obtaining from the manufacturers axle devices and equipment for new cars constructed this year, and as we were unable to get the devices in time for new cars when completed, they were removed from cars placed in storage.

When the demand was suddenly sprung upon us for all of our extra equipment above that required for regular line service to transport troops there was only one thing to do and that was to equip emergency cars for lighting by candles. Candle lamps were placed in the cars and cars supplied with candles. Number of these cars were furnished the Fourteenth New York Regiment, which arrived here in coaches.

Digitized by Google

It was our intention, as far as possible to do so, to connect up the straight electrically lighted cars with the batteries and devices of other cars in the train having generators and use the candle lamps as an auxiliary, but it is not always practicable to do so. While the candles do not light the car as brilliantly as either electricity or gas, they answer for the purpose very well, especially at this time of the year when the days are longest. All of the cars furnished this regiment were lighted either by electricity, gas, or candles.

The colonel in charge of the Fourteenth Regiment objected to cars lighted in the manner indicated and refused to accept them, and this alone accounts for the delay in the troops getting away from Chicago. There were no other cars available and it was necessary to either accept cars equipped with candle lamps or go forward with the coaches in which they arrived at Chicago, and after several hours' debating he decided to accept the cars. As above stated, this arrangement was the best that could be made and was not due to oversight or neglect on the part of anyone. There are quite a number of these cars equipped in the manner indicated.

The only case, other than the one above, that has been brought to the attention of this office was through the press in the case of the Second Pennsylvania Infantry at Memphis, Tenn. In tracing the cause of this complaint it is found that some of the coaches used belonged to one of the railroads in Pennsylvania which operates coaches lighted by ordinary gas, and when run out of the district in which they had been habitually operating it was not found possible to supply them with gas between Louisville and Memphis. However, this office is informed that the railroads furnished candles for lighting these cars between the points in question. With these two exceptions, the reports from the commanding generals of all departments show that cars carrying troops were properly lighted.

5. Third. Whether said cars have been sidetracked and delayed en route to accommodate private business.

No reports have been received in this office as to any delay or sidetracking of troop trains to accommodate private business. There have, however, been many reports received in this office indicating that regular freight and passenger traffic had been sidetracked to accommodate troop trains, and that many of the roads canceled excursion trains, already arranged for, in order to take proper care of troop movements.

Reports have also been received in this office to the effect that trains had been delayed by officers in command of troops for the purpose of giving the men on the train an opportunity to take baths; for the purpose of exercising; for the purpose of consolidating sections at the request of commanding officers, and for the purpose of allowing troop trains to catch up with one another in order to effect exchanges of equipment and supplies.

In reply to queries on this point the various department commanders have advised as follows:

Eastern Department: "Troop trains were not sidetracked or delayed to accommodate private business, but troop trains have been held on request of commanding officers to exercise men and animals and for bathing men."

Central Department: "Have no information that any cars were sidetracked or delayed en route to accommodate private business."

Western Department: "No trains were sidetracked or delayed en route while troops were traveling, equaled through passenger time."

6. Fourth. Whether the troops en route have been subsisted by the Government in accordance with the United States Army Regu-

Digitized by Google

lations or have been obliged to seek food of citizens, and whether the supply of drinking water in the cars has been sufficient.

Troops in all instances, so far as known to this office, were furnished at the point of entraining with sufficient rations prescribed by the United States Army Regulations, for a sufficient period of time to enable them to reach the end of their journey, if properly cared for. But to meet any deficiencies that might arise from unforeseen delay or other cause, the Adjutant General was requested to give instructions to all Department Commanders to furnish 10 days' rations to troops being transported to the Southern Department from their respective departments, and these instructions were given.

Circular 25, O. C. Q. M. C., July 25, 1913, provides that a kitchen car shall be devised by using either baggage or freight car, and setting up a field range therein. Specific plans for this work are set forth in such circular. All those with authority in the military service are required to have knowledge of such regulation, and it is the duty of those in charge of entraining to see that necessary means for preparing food are installed on the train and made accessible. So far as known to this office, this has been done in all instances. But in addition to this, and in order to help facilitate the transfer of troops, and insure ample food supply on the journey, copies of the Handbook of Transportation by Rail and Commercial Vessels (which deals fully with the question of cooking facilities for preparing food en route) were mailed to each Camp Quartermaster, Depot Quartermaster, and Department Quartermaster, promptly upon receipt of mobilization orders.

Paragraph 200 of the Handbook of Transportation by Rail and Commercial Vessels describes the manner in which an additional supply of drinking water is to be procured in case the tanks on the coaches and sleepers are not of sufficient quantity. It is the duty of the officer who inspects the train to see that suitable provision is made in this respect, and the officer in charge of the train as to maintaining the supply. So far, no report has been made to this office that indicates a shortage of water supply existing. It is customary on troop trains and transports, where there is a disposition to waste the water, to place military guards over the water supply to see that it is not wasted. Commanding officers of troops on military trains have the means available to apply this measure.

The reports of department commanders on this subject are as follows:

Eastern Department: "All troops leaving mobilization camps of this department for the border are furnished with 10 days' travel rations. Trains are provided with either a cook car or baggage car with a range set up in the car. This has been done in all cases where possible. Where there was no opportunity to provide coffee on the train, coffee money has been provided. Prior to muster into the Federal service subsistence for State troops has been provided by the State. It is not possible, unless rations have been thrown away, that troops which have been reported short of rations—Kansas City, Cincinnati—could have been short. Every precaution has been taken to see that they start with an ample supply. These troops are largely recruits, untrained and undisciplined, and under officers of comparatively little experience. I have telegraphed all mustering officers for a statement as to supplies, rations, etc.,

Digitized by Google

to all troops leaving mobilization camps under their charge. Will forward these as soon as possible. On June 30 the following telegram was sent to all senior mustering officers at mobilization camps: 'See to it that all troops leaving for the border are furnished with necessary coffee money and with necessary travel rations sufficient to take them to their destination, and if these are not procurable then with money to purchase the same; funds to be obtained from local United States disbursing officers. On all trains on which animals are taken, see that sufficient forage is taken in order that forage for journey may be certainly available; acknowledge receipt. Simpson.' On July 2 the following telegram was sent to the senior mustering officer at each mobilization camp: 'Cause all troops going to Mexican border to be provided with and take on train with them 10 days' rations and 10 days' forage for animals. Any former orders conflicting with these are hereby canceled. Please notify adjutant general of State accordingly. Simpson.' On July 4 the following telegram was sent to all senior mustering officers: 'From press reports and other sources these headquarters are informed that some of the organizations from this department en route to Texas complain of lack of food. If true, the commanding officers of these organizations are directly responsible for the same. They are now in the military service of the United States and as such subject to the orders of these headquarters. The department commander directs that the commanding officer of each organization be advised that he is directly responsible for the proper feeding, supply, and discipline of his command, and that any further reports reaching these headquarters of failures to perform these manifest duties will be made the subject of official investigation and disciplinary action if the facts warrant. You will at once communicate these instructions to the commanding officer of each organization mustered in by you before leaving for the border for his information and guidance. Acknowledge receipt and report action. Simpson.' Understood ample drinking water was supplied and chief mustering officers at mobilization camps were specifically informed by these headquarters to enforce regulation for supplying troop trains with extra barrels of drinking water for each car."

Central Department: "All troops leaving mobilization camps this department after July 1 carried 10 days' rations. The comparatively few organizations leaving prior to July 1 carried sufficient rations to allow for delays en route. All troops had sufficient to carry them to border. Report was made that part of Fifth Nebraska Infantry had occasion to call upon railroad authorities in Oklahoma for assistance in procuring one day's extra rations. They started with 10 days' rations. All troop trains were provided with either baggage or open-end box cars with cooking arrangements. Water was provided before departure for all troop trains in accordance with regulations. In many cases extra water cans and ice were carried."

NOTE.—The Fifth Nebraska Infantry, referred to above, was delayed in transit account cloud-bursts and washouts, but the total time consumed from starting point to destination was less than 5 days, so that the 10 days' rations furnished should have been more than ample.

Digitized by Google

Western Department: "All troops given 5 to 10 days' travel rations and were provided with baggage cars converted into kitchen cars for preparation of meals and coffee en route, in accordance with Army Regulations. No troops obliged to seek food of citizens. Cars had sufficient drinking water."

7. Fifth. Whether cars used for the transportation of National Guard troops mustered into the United States service were inspected to protect the health and safety of the troops assigned to them, and by whom.

In only two instances have reports been made to this office to the effect that the equipment furnished was unsatisfactory. In one instance the complaint came from Camp Douglas, Wis., that the passenger equipment furnished by one road was unsatisfactory. When called upon for an explanation it developed that the cars furnished were cars that had been in daily use and were taken out of the regular service; however, the cars were changed and cars satisfactory to the commanding officer were substituted. It has been informally reported by the representative of the American Railway Association that in one instance unsatisfactory cars were furnished troops moving from Mount Gretna through Philadelphia. When this condition was made known, the cars were changed at Philadelphia and more satisfactory equipment furnished.

This office is informed by the American Railway Association that every car placed in service for this movement was inspected for safety under the same rules that are used in all passenger service.

Between the 27th of June and 13th of July, 91,125 troops were transported without any failure and without accident.

This fact would seem to show conclusively that the equipment furnished was safe.

Paragraph 1114, Army Regulations, provides that an official inspection shall be made by quartermaster at the mobilization camp, who will report to the commanding officer as to whether or not the equipment furnished is of satisfactory character, viz: Of standard quality and in good order and sanitary condition, and no exceptions as to sanitary conditions have been made. In this particular, one of the duties of the commanding officers of troops, in fact his primary duty in moving troops by rail, is to inspect, either personally or through his quartermaster, the equipment furnished him as to its character, safety, sanitary condition, and adequacy.

The department commanders have reported on this question as follows:

Eastern Department: "Understood here that cars of all troop trains were inspected as prescribed by regulations."

Central Department: "All troop trains were inspected by camp quartermasters and in many cases by senior mustering officers, surgeons, organization commanders, and railroad officials."

Western Department: "All cars were inspected to protect life and safety to troops. Inspections were made by mustering officers or quartermasters, or both, and by railroad representatives."

8. Sixth. Whether being mustered into the service of the United States, the troops of the National Guard are equipped with arms and accouterments required by Army Regulations for actual service in times of war.

Digitized by Google

This section appears to relate principally to the Ordnance Department, which furnishes arms and accouterments. But the following is submitted as pertaining to the Quartermaster Corps:

Paragraph 455 (a), Army Regulations, 1913, reads:

Governors of States and Territories and the commanding general of the District of Columbia Militia are required at all times to keep on hand, either at the various company armories or in suitable storehouses, a sufficient supply of arms, uniforms, and equipment to completely equip for the field the minimum number of men prescribed by the President for each organization, so that on being called into the service any organization will be completely equipped from the stores on hand in the State, Territory, or the District of Columbia without calling on the War Department for assistance.

So far as clothing and equipage is concerned, it is known that the militia troops did not have such articles as sweaters, underwear, stockings, shoes, and a few other articles of personal equipment when taken into the service of the United States on June 18, 1916. Immediate steps were taken however, to furnish equipment as prescribed under existing regulations for field service for all enlisted men of the militia organizations.

In some instances there has been a slight delay in issuing the complete equipment, due largely to physical limitations with reference to packing, handling, shipping, etc., and in a few cases shortage of of stock and inability to procure supplies for immediate delivery in quantities necessary to meet demands.

Department commanders have reported as follows on this query:

Eastern Department: "The troops of the National Guard have been equipped with arms and accouterments required by Army Regulations before being forwarded to Mexican border in accordance with urgent telegrams from War Department, dated June 23 and June 25, directing troops to be forwarded to Mexican border as soon as reasonably equipped for field service. All troops that could not be equipped on this basis are being held in the State mobilization camps until the supply departments can equip them to this minimum."

Central Department: "All troops in the Central Department were equipped with arms and accouterments required by Army Regulations except machine guns for Colorado, Indiana, Illinois, Nebraska, First Kansas Infantry, Twenty-third Michigan Infantry and one Ohio regiment. Colorado and Missouri troops were short a few pistols and horse equipments period. All requests from troops passing through Chicago en route to border from other departments were promptly filled."

Western Department: "Troops were equipped and accoutered for war strength for service in the field, except for a few minor differences."

Animals were not in all cases furnished organizations at mobilization camps, but are to be supplied after arrival at the border.

9. The points that it is desired to make in this statement are as follows:

(*a*) That the railroads were called upon suddenly to perform an unusual service, and that they furnished the best equipment available in the shortest space of time for this purpose.

(*b*) That tourist sleeping cars available in the country to handle this movement have been constantly in use from the beginning.

Digitized by Google

(*c*) That where it was necessary to furnish coaches, the men were not crowded, but in almost every instance had sufficient space to lie down.

(*d*) That it is the duty of the commanding officer of the troops to satisfy himself as to the adequacy of the equipment before commencing the movement.

(*e*) That all railway equipment used was inspected as to safety and sanitation.

(*f*) That preference and precedence was given by the railways to troop movements.

(*g*) That adequate facilities were provided for the preparation of food, and that in every instance the rations furnished were more than ample for the time consumed in the journey.

(*h*) That every precaution was taken to insure an ample supply of drinking water.

(*i*) That every effort was made to properly equip these troops before leaving their mobilization camps; that in only a few minor instances have they left their camps without being completely equipped with all clothing and other quartermaster supplies (except animals), and that where certain minor items were not furnished at the mobilization camp they were furnished on arrival at the border.

HENRY G. SHARPE,
Brigadier General, Quartermaster Corps,
Acting Quartermaster General.

O

Digitized by Google

64TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT No. 1315

SPEECH OF NOTIFICATION

By SENATOR WARREN G. HARDING

AND

SPEECH OF ACCEPTANCE

By MR. CHARLES E. HUGHES

AUGUST 2, 1916.—Ordered to be printed

WASHINGTON
GOVERNMENT PRINTING OFFICE
1916

Digitized by Google

Digitized by Google

SPEECH OF NOTIFICATION

AND

SPEECH OF ACCEPTANCE.

SENATOR HARDING'S SPEECH.

Senator Harding said:

Mr. HUGHES: The committee here assembled, representing all the United States and Territories, chosen by the Republican national convention, which met in Chicago on last June 7, is directed by that convention formally to notify you of its action in selecting you as its nominee for the Presidency of the Republic.

Speaking for the committee, it is my pleasure to say directly what was conveyed to you by telegraph while the convention was yet in session—that you are the unanimous choice of the Republican national convention for the party standard bearer.

That convention uttered the principles of a confident, determined, reunited, and enthusiastic Republican Party, which turns to you, in highest respect and trust, as a nominee best typifying the party's purposes and the people's desires.

Inasmuch as the unusual circumstances inspired an informal notice at the time of the convention's action, and you then made an informal acceptance of the call to patriotic duty which won the plaudits of our people, I shall not refer in detail to the action of the convention or the declared principles to which the Republican Party is committed. But it is fitting that I should speak the congratulations of this committee on your most extraordinary nomination.

It has no parallel in the history of the Republican Party. As the whole people have approvingly witnessed, you have been chosen for leadership by a convention which comprised the best thought, the highest intention, and deepest consecration of a great and historic party when you were not only not an aspirant but discouraged all endeavors in your behalf.

Notwithstanding your holding aloof from all conference and participation, that unfailing understanding which directs popular sentiment to highest victory called you to the service of the party and the Nation. Your record of public service, your well-known and courageous views on public questions when in executive position, your abiding devotion to Republicanism, your possession of a confidence which has united all believers in Republican policies under our party banner, your unalterable and abiding Americanism, your high personal character and well-known capacity—all these have

Digitized by Google

fixed you in the American mind as the best exponent of Republican principles and the wisest leader to restore American prestige and efficient government.

We bring you now the commission to that leadership. We bring it in full confidence that the people will gladly acclaim the Republican restoration under your trusted leadership. We bring it in the highest appreciation of that peace of right and justice which your unwavering Americanism will hold secure rather than endanger. We bring it in the strong belief that American material good fortune, under Republican industrial preparedness, will be the glad reflex of our own peace and the world's peace, and be held permanent under Republican protection. We bring it in firm conviction that you, sir, will hold that platform promises constitute a sacred party covenant, and the expressed will of the people at the polls must find response in capable and efficient administration.

Aye, sir, we bring it believing you will add to our self-respect, confidence, and good fortune at home and to that respect and good opinion abroad which meets our higher American aspirations.

Digitized by Google

MR. HUGHES'S SPEECH OF ACCEPTANCE.

Senator Harding, members of the notification committee, and fellow citizens, this occasion is more than a mere ceremony of notification. We are not here to indulge in formal expressions. We come to state in a plain and direct manner our faith, our purpose, and our pledge. This representative gathering is a happy augury. It means the strength of reunion. It means that the party of Lincoln is restored, alert, effective. It means the unity of a common perception of paramount national needs. It means that we are neither deceived nor benumbed by abnormal conditions.

We know that we are in a critical period, perhaps more critical than any period since the Civil War. We need a dominant sense of national unity; the exercise of our best constructive powers; the vigor and resourcefulness of a quickened America. We desire that the Republican Party as a great liberal party shall be the agency of national achievement, the organ of the effective expression of dominant Americanism. What do I mean by that?

THE EXPRESSION OF AMERICANISM.

I mean America conscious of power, awake to obligation, erect in self-respect, prepared for every emergency, devoted to the ideals of peace, instinct with the spirit of human brotherhood, safeguarding both individual opportunity and the public interest, maintaining a well-ordered constitutional system adapted to local self-government without the sacrifice of essential national authority, appreciating the necessity of stability, expert knowledge, and thorough organization as the indispensable conditions of security and progress; a country loved by its citizens with a patriotic fervor permitting no division in their allegiance and no rivals in their affection—I mean America first and America efficient. It is in this spirit that I respond to your summons.

Our foreign relations have assumed grave importance in the last three years. The conduct of diplomatic intercourse is in the keeping of the Executive. It rests chiefly with him whether we shall show competence or incompetence; whether the national honor shall be maintained; whether our prestige and influence shall be lowered or advanced. What is the record of the administration? The first duty of the Executive was to command the respect of the world by the personnel of our State Department and our representation abroad. No party exigency could excuse the nonperformance of this obvious obligation. Still, after making every allowance for certain commendable appointments, it is apparent that this obligation was not performed.

Digitized by Google

WEAKNESS AND INEXPERTNESS.

At the very beginning of the present administration, where in the direction of diplomatic intercourse there should have been conspicuous strength and expertness, we had weakness and inexpertness. Instead of assuring respect we invited distrust of our competence and speculation as to our capacity for firmness and decision, thus entailing many difficulties which otherwise easily could have been escaped. Then, in numerous instances, notably, in Latin America, where such a course was particularly reprehensible and where we desire to encourage the most friendly relations, men of long diplomatic experience, whose knowledge and training were of especial value to the country, were retired from the service apparently for no other reason than to meet partisan demands in the appointment of inexperienced persons.

Where, as in Santo Domingo, we had assumed an important special trust in the interest of its people, that trust was shockingly betrayed in order to satisfy "deserving Democrats." The record showing the administration's disregard of its responsibilities with respect to our representation in diplomacy is an open book, and the specifications may easily be had. It is a record revealing professions belied. It is a dismal record to those believing in Americanism. Take, for example, the withdrawal of Ambassador Herrick from France. There he stood, in the midst of alarms, the very embodiment of courage, of poise, of executive capacity, universally trusted and beloved. No diplomat ever won more completely the affections of a foreign people; and there was no better fortune for this country than to have at the capital of any one of the belligerent nations a representative thus esteemed.

WHAT REMOVING HERRICK MEANT.

Yet the administration permitted itself to supersede him. The point is not that the man was Ambassador Herrick, or that the nation was France, but that we invited the attention of the world to the inexcusable yielding of national interest to partisan expediency. It was a lamentable sacrifice of international repute. If we would have the esteem of foreign nations we must deserve it. We must show our regard for special knowledge and experience. I propose that we shall make the agencies of our diplomatic intercourse in every nation worthy of the American name.

The dealings of the administration with Mexico constitute a confused chapter of blunders. We have not helped Mexico. She lies prostrate, impoverished, famine-stricken, overwhelmed with the woes and outrages of internecine strife, the helpless victim of a condition of anarchy which the course of the administration only served to promote. For ourselves, we have witnessed the murder of our citizens and the destruction of their property. We have made enemies, not friends. Instead of commanding respect and deserving good will by sincereity, firmness, and consistency, we provoked misapprehension and deep resentment.

In the light of the conduct of the administration no one could understand its professions. Decrying interference, we interfered most exasperatingly. We have not even kept out of actual conflict, and the soil of Mexico is stained with the blood of our soldiers. We

Digitized by Google

have resorted to physical invasion, only to retire without gaining the professed object. It is a record which can not be examined without a profound sense of humiliation.

THE CASE OF HUERTA.

When the administration came into power Huerta was exercising authority as provisional President of Mexico. He was certainly in fact the head of the Government of Mexico. Whether or not he should be recognized was a question to be determined in the exercise of a sound discretion, but according to correct principles. The President was entitled to be assured that there was at least a de facto government; that international obligations would be performed; that the lives and property of American citizens would have proper protection. To attempt, however, to control the domestic concerns of Mexico was simply intervention, not less so because disclaimed.

The height of folly was to have a vacillating and ineffective intervention, which could only evoke bitterness and contempt, which would fail to pacify the country and to assure peace and prosperity under a stable government. If crimes were committed, we do not palliate them. We make no defense of Huerta. But the administration had nothing to do with the moral character of Huerta, if in fact he represented the Government of Mexico. We shall never worthily prosecute our unselfish aims or serve humanity by wrongheadedness. So far as the character of Huerta is concerned, the hollowness of the pretensions on this score is revealed by the administration's subsequent patronage of Villa (whose qualifications as an assassin are indisputable), whom apparently the administration was ready to recognize had he achieved his end and fulfilled what then seemed to be its hope.

JOHN LIND'S MISSION.

The question is not as to the nonrecognition of Huerta. The administration did not content itself with refusing to recognize Huerta, who was recognized by Great Britain, Germany, France, Russia, Spain, and Japan. The administration undertook to destroy Huerta, to control Mexican politics, even to deny Huerta the right to be a candidate for the office of President at the election the administration demanded. With what bewilderment must the Mexicans have regarded our assertion of their right to manage their own affairs. In the summer of 1913 John Lind was dispatched to the City of Mexico as the President's "personal spokesman and representative" to the unrecognized Huerta, in order to demand that the latter eliminate himself. It was an unjustifiable mission, most offensive to a sensitive people. John Lind lingered irritatingly. The administration continued to direct its efforts at the destruction of the only government Mexico had.

In the spring of 1914 occurred the capture of Vera Cruz. Men from one of our ships had been arrested at Tampico and had been discharged with an apology. But our admiral demanded a salute, which was refused. Thereupon the President went to Congress, asking authority to use the armed forces of the United States. Without waiting for the passage of the resolution, Vera Cruz was seized. It appeared

Digitized by Google

that a shipload of ammunition for Huerta was about to enter that port. There was a natural opposition to this invasion, and a battle occurred in which 19 Americans and over 100 Mexicans were killed. This, of course, was war. Our dead soldiers were praised for dying like heroes in a war of service. Later we retired from Vera Cruz, giving up this noble warfare.

DID NOT GET THE SALUTE.

We had not obtained the salute which was demanded. We had not obtained reparation for affronts. The ship with ammunition which could not land at Vera Cruz had soon landed at another port, and its cargo was delivered to Huerta without interference. Recently the naked truth was admitted by a Cabinet officer. We are now informed that "we did not go to Vera Cruz to force Huerta to salute the flag." We are told that we went there "to show Mexico that we were in earnest in our demand that Huerta must go." That is, we seized Vera Cruz to depose Huerta. The question of the salute was a mere pretext.

Meanwhile, the administration utterly failed to perform its obvious duty to secure protection for the lives and property of our citizens. It is most unworthy to slur those who have investments in Mexico in order to escape a condemnation for the nonperformance of this duty. There can be no such escape, for we have no debate, and there can be no debate as to the existence of this duty on the part of our Government. Let me quote the words of the Democratic platform of 1912:

> The constitutional rights of American citizens should protect them on our borders, and go with them throughout the world, and every American citizen residing or having property in any foreign country is entitled to, and must be given, the full protection of the United States Government, both for himself and his property.

The bitter hatred aroused by the course of the administration multiplied outrages, while our failure to afford protection to our citizens evoked the scorn and contempt of Mexicans. Consider the ignominious incident at Tampico in connection with the capture of Vera Cruz. In the midst of the greatest danger to the hundreds of Americans congregated at Tampico our ships which were in the harbor were withdrawn and our citizens were saved only by the intervention of German officers, and were taken away by British and German ships. The official excuse of the Secretary of the Navy is an extraordinary commentary.

NAVAL COMMANDER'S DILEMMA.

Our ships, it seems, had been ordered to Vera Cruz; but, as it appeared that they were not needed, the order was rescinded. Then, we are told, our admiral was faced with this remarkable dilemma: If he attempted to go up the river at Tampico and take our citizens on board, the word of "aggressive action," as the Secretary called it, "would have spread to the surrounding country" and it was "almost certain that reprisals on American citizens would have followed and lives would have been lost." We had so incensed the Mexicans that we could not rescue our own citizens at Tampico save at the risk of the murder of others. We must take Vera Cruz to get Huerta out

Digitized by Google

of office and trust to other nations to get our own citizens out of peril. What a travesty of international policy.

Destroying the government of Huerta, we left Mexico to the ravages of revolution. I shall not attempt to narrate the sickening stories of the barbarities committed, of the carnival of murder and lust. We were then told that Mexico was entitled to spill as much blood as she pleased to settle her affairs. The administration vacillated with respect to the embargo on the export of arms and munitions to Mexico. Under the resolution of 1912 President Taft had laid such an embargo. In August, 1913, President Wilson stated that he deemed it his duty to see that neither side to the struggle in Mexico should receive any assistance from this side of the border, and that the export of all arms and munitions to Mexico would be forbidden.

But in February, 1914, the embargo was lifted. In April, 1914, the embargo was restored. In May, 1914, it was explained that the embargo did not apply to American shipments through Mexican ports, and ammunition for Carranza was subsequently landed at Tampico. In September, 1914, the embargo was lifted on exports across the border; thereupon military supplies reached both Villa and Carranza. In October, 1915, an embargo was declared on all exports of arms except to the adherents of Carranza. There was an utter absence of consistent policy.

CARRANZA'S RECOGNITION.

For a time we bestowed friendship on Villa. Ultimately we recognized Carranza, not on the ground that he had a constitutional government, but that it was a de facto government. The complete failure to secure protection to American citizens is shown conclusively in the note of the Secretary of State of June 20, 1916, in which he thus described the conditions that have obtained during the last three years:

> For three years the Mexican Republic has been torn with civil strife; the lives of Americans and other aliens have been sacrificed; vast properties developed by American capital and enterprise have been destroyed or rendered nonproductive; bandits have been permitted to roam at will through the territory contiguous to the United States and to seize, without punishment or without effective attempt at punishment, the property of Americans, while the lives of citizens of the United States who ventured to remain in Mexican territory or to return there to protect their interests have been taken, in some cases barbarously taken, and the murderers have neither been apprehended nor brought to justice. * * * It would be tedious to recount instance after instance, outrage after outrage, atrocity after atrocity, to illustrate the true nature and extent of the widespread conditions of lawlessness and violence which have prevailed.

The Santa Ysabel massacre, the raid at Columbus, the bloodshed at Carrizal, are fresh in your minds. After the Columbus raid we started a "punitive expedition." We sent a thin line of troops hundreds of miles into Mexico, between two lines of railway neither of which we were allowed to use and which we did not feel at liberty to seize. We were refused permission to enter the towns. Though thus restricted, the enterprise was still regarded by the Mexicans as a menace. Our troops faced hostile forces, and it is not remarkable that our men fell at Carrizal. What other result could be expected?

Digitized by Google

THE PURPOSE UNACCOMPLISHED.

We were virtually ordered to withdraw, and without accomplishing our purpose we have been withdrawing, and we are now endeavoring to safeguard our own territory. The entire National Guard has been ordered out, and many thousands of our citizens have been taken from their peaceful employment and hurried to the Mexican border. The administration was to seize and punish Villa for his outrage on our soil. It has not punished anyone; we went in only to retire. Future movements are apparently to be determined by a joint commission.

The Nation has no policy of aggression toward Mexico. We have no desire for any part of her territory. We wish her to have peace, stability, and prosperity. We should be ready to aid her in binding up her wounds, in relieving her from starvation and distress, and in giving her in every practicable way the benefits of our disinterested friendship. The conduct of this administration has created difficulties which we shall have to surmount. We shall have to overcome the antipathy needlessly created by that conduct and to develop genuine respect and confidence. We shall have to adopt a new policy, a policy of firmness and consistency, through which alone we can promote an enduring friendship.

DEMANDS PROTECTION OF CITIZENS.

We demand from Mexico the protection of the lives and the property of our citizens and the security of our border from depredations. Much will be gained if Mexico is convinced that we contemplate no meddlesome interference with what does not concern us, but that we propose to insist in a firm and candid manner upon the performance of international obligations. To a stable Government, appropriately discharging its international duties, we shall give ungrudging support. A short period of firm, consistent, and friendly dealing will accomplish more than many years of vacillation.

In this land of composite population, drawing its strength from every race, the national security demands that there shall be no paltering with American rights. The greater the danger of divisive influences, the greater is the necessity for the unifying force of a just, strong, and patriotic position. We countenance no covert policies, no intrigues, no secret schemes, We are unreservedly, devotedly, whole-heartedly for the United States. That is the rallying point for all Americans. That is my position. I stand for the unflinching maintenance of all American rights on land and sea.

We have had a clear and definite mission as a great neutral nation. It was for us to maintain the integrity of international law; to vindicate our rights as neutrals; to protect the lives of our citizens, their property and trade from wrongful acts. Putting aside any question as to the highest possibilities of moral leadership in the maintenance and vindication of the law of nations in connection with the European war, at least we were entitled to the safeguarding of American rights. But this has not been secured.

Digitized by Google

SERIES OF DIPLOMATIC NOTES.

We have had brave words in a series of notes, but despite our protests the lives of Americans have been destroyed. What does it avail to use some of the strongest words known to diplomacy if ambassadors can receive the impression that the words are not to be taken seriously? It is not words, but the strength and resolution behind the words, that count.

The chief function of diplomacy is prevention; but in this our diplomacy failed, doubtless because of its impaired credit and the manifest lack of disposition to back words with action. Had this Government, by the use of both informal and formal diplomatic opportunities, left no doubt that when we said "strict accountability" we meant precisely what we said, and that we should unhesitatingly vindicate that position, I am confident that there would have been no destruction of American lives by the sinking of the *Lusitania*. There we had ample notice; in fact, published notice. Furthermore, we knew the situation and we did not require specific notice. Instead of whittling away our formal statements by equivocal conversations, we needed the straight, direct, and decisive representations which every diplomat and foreign office would understand. I believe that in this way we should have been spared the repeated assaults on American lives. Moreover, a firm American policy would have been strongly supported by our people and the opportunities for the development of bitter feeling would have been vastly reduced.

It is a great mistake to say that resoluteness in protecting American rights would have led to war. Rather, in that course lay the best assurance of peace. Weakness and indecision in the maintenance of known rights are always sources of grave danger; they forfeit respect and invite serious wrongs, which in turn create an uncontrollable popular resentment. That is not the path of national security.

THE MAINTENANCE OF RIGHTS.

Not only have we a host of resources short of war by which to enforce our just demands, but we shall never promote our peace by being stronger in words than in deeds. We should not have found it difficult to maintain peace, but we should have maintained peace with honor. During this critical period the only danger of war has lain in the weak course of the administration.

I do not put life and property on the same footing, but the administration has not only been remiss with respect to the protection of American lives; it has been remiss with respect to the protection of American property and American commerce. It has been too much disposed to be content with leisurely discussion. I can not now undertake to review the course of events, but it is entirely clear that we failed to use the resources at our command to prevent injurious action, and that we suffered in consequence. We have no ulterior purposes, and the administration should have known how to secure the entire protection of every legitimate American interest and the prompt recognition of our just demands as a neutral nation.

We denounce all plots and conspiracies in the interest of any foreign nation. Utterly intolerable is the use of our soil for alien intrigues. Every American must unreservedly condemn them and

Digitized by Google

support every effort for their suppression. But here also prompt, vigorous, and adequate measures on the part of the administration were needed. There should have been no hesitation, no notion that it was wise and politic to delay. Such an abuse of our territory demanded immediate and thoroughgoing action. As soon as the administration had notice of plots and conspiracies it was its duty to stop them. It was not lacking in resources. Its responsibility for their continuance can not be escaped by the condemnation of others.

We are a peace-loving people, but we live in a world of arms. We have no thought of aggression, and we desire to pursue our democratic ideals without the wastes of strife. So devoted are we to these ideals, so intent upon our normal development, that I do not believe that there is the slightest danger of militarism in this country. Adequate preparedness is not militarism. It is the essential assurance of security; it is a necessary safeguard of peace.

SHOCKINGLY UNPREPARED.

It is apparent that we are shockingly unprepared. There is no room for controversy on this point since the object lesson on the Mexican border. All our available regular troops (less, I believe, than 40,000) are there or in Mexico, and as these have been deemed insufficient the entire National Guard has been ordered out; that is, we are summoning practically all our movable military forces in order to prevent bandit incursions. In view of the warnings of the last three years, it is inexcusable that we should find ourselves in this plight. For our faithful guardsmen, who, with a fine patriotism, responded to this call and are bearing this burden, I have nothing but praise. But I think it little short of absurd that we should be compelled to call men from their shops, their factories, their offices, and their professions for such a purpose.

This, however, is not all. The units of the National Guard were at peace strength, which was only about one-half the required strength. It was necessary to bring in recruits, for the most part raw and untrained. Only a small percentage of the regiments recruited up to war strength will have had even a year's training in the National Guard, which at the maximum means 100 hours of military drill, and, on the average, means much less.

Take the Eastern Department as an illustration. The States in this department contain about 72 per cent of the entire Organized Militia of the country. I am informed by competent authority that the quota of militia from this department recently summoned with the units raised to war strength as required would amount to about 131,000 men; that in response to this call there are now en route to or on the border about 54,000 men, and in camp in their respective States about 28,000 men; and thus, after what has already been accomplished, there still remain to be supplied in recruits about 48,000 men.

UNTRAINED MEN CALLED OUT.

Men fresh from their peaceful employments and physically unprepared have been hurried to the border for actual service. They were without proper equipment; without necessary supplies; suitable

Digitized by Google

conditions of transportation were not provided. Men with dependent families were sent, and conditions which should have been well known were discovered after the event. And yet the exigency, comparatively speaking, was not a very grave one. It involved nothing that could not readily have been foreseen during the last three years of disturbance, and required only a modest talent for organization. That this administration while pursuing its course in Mexico should have permitted such conditions to exist is almost incredible.

In the demand for reasonable preparedness the administration has followed, not led. Those who demanded more adequate forces were first described as "nervous and excited." Only about a year and a half ago we were told that the question of preparedness was not a pressing one; that the country had been misinformed. Later, under the pressure of other leadership, this attitude was changed. The administration, it was said, had "learned something," and it made a belated demand for an increased Army. Even then the demand was not prosecuted consistently, and the pressure exerted on Congress with respect to other administrative measures was notably absent. The President addressed Congress but little over six months ago presenting the plans of the War Department, and Congress was formally urged to sanction these plans as "the essential first steps."

They contemplated an increase of the standing force of the Regular Army from its then strength of 5,023 officers and 102,985 enlisted men to a strength of 7,136 officers and 134,707 enlisted men, or 141.843 all told. It was said that these additions were "necessary to render the Army adequate for its present duties." Further, it was proposed that the Army should be supplemented by a force of 400,000 disciplined citizens raised in increments of 133,000 a year through a period of three years. At least so much "by way of preparation for defense" seemed to the President to be "absolutely imperative now." He said: "We can not do less."

ARMY ORGANIZATION BILL.

But within two months this program was abandoned, and the able Secretary of War who had devoted himself persistently to this important question felt so keenly the change in policy that he resigned from the Cabinet. Now, the Army organization bill provides for an army on paper of 178,000, but, in fact, it provides for only 105,000 enlisted men for the line of the Regular Army for the fiscal year ending June 30, 1917, and I am informed that for the next fiscal year there will be an increase of only 15,000. The plan for the supplemental Federal Army completely under Federal control was given up.

We are told that the defects revealed by the present mobilization are due to the "system." But it was precisely such plain defects that, under the constant warnings of recent years, with the whole world intent on military concerns, should have been studied and rectified. The administration has failed to discharge its responsibilities. Apparently, it is now seeking to meet political exigencies by its naval program; but it has imposed upon the country an incompetent naval administration.

Digitized by Google

We demand adequate national defense, adequate protection on both our western and eastern coasts. We demand thoroughness and efficiency in both arms of the service. It seems to be plain that our Regular Army is too small. We are too great a country to require of our citizens who are engaged in peaceful vocation the sort of military service to which they are now called. As well insist that our citizens in this metropolis be summoned to put out fires and police the streets. We do not count it inconsistent with our liberties or with our democratic ideals to have an adequate police force. With a population of nearly 100,000,000 we need to be surer of ourselves than to become alarmed at the prospect of having a Regular Army which can reasonably protect our border and perform such other military service as may be required in the absence of a grave emergency. I believe, further, that there should be not only a reasonable increase in the Regular Army, but that the first citizen reserve subject to call should be enlisted as a Federal army and trained under Federal authority.

NATION WANTS MODERN METHODS.

The country demands that our military and naval programs shall be carried out in a businesslike manner under the most competent administrative heads; that we shall have an up-to-date preparation; that the moneys appropriated shall be properly expended. We should also have careful plans for mobilizing our industrial resources; for promoting research and utilizing the investigations of science. And a policy of adequate preparedness must constantly have in view the necessity of conserving our fundamental human interests; of promoting the physical well-being of our population, as well as education and training; of developing to the utmost our economic strength and independence.

It must be based upon a profound sense of our unity and democratic obligation. It must not mean the abandonment of other essential governmental work, but that we shall have in both efficiency and in neither waste or extravagance. We should also be solicitous, by wise provision and conference, to remove so far as possible the causes of irritation which may in any degree threaten friendly relations. In our proposals there is, I repeat, no militarism. There is simple insistence upon common sense in providing reasonable measures of security and avoiding the perils of neglect. We must have the strength of self-respect; a strength which contains no threat, but assures our defense, safeguards our rights, and conserves our peace.

We are deeply interested in what I may term the organization of peace. We cherish no illusions. We know that the recurrence of war is not to be prevented by pious wishes. If the conflict of national interests is not to be brought to the final test of force, there must be the development of international organization in order to provide international justice and to safeguard so far as practicable the peace of the world.

FAVORS A WORLD COURT.

Arbitration treaties are useful within their proper sphere, but it is worse than folly to ignore the limitations of this remedy or to regard such treaties as an adequate means of preventing war. There should

Digitized by Google

be an international tribunal to decide controversies susceptible of judicial determination, thus affording the advantage of judicial standards in the settlement of particular disputes and of the gradual growth of a body of judicial precedents. In emphasizing the desirability of such a tribunal for the disposition of controversies of a justiciable sort it must not be overlooked that there are also legislative needs.

We need conferences of the nations to formulate international rules, to establish principles, to modify and extend international law so as to adapt it to new conditions, to remove causes of international differences. We need to develop the instrumentalities of conciliation, and behind this international organization, if it is to be effective, must be the cooperation of the nations to prevent resort to hostilities before the appropriate agencies of peaceful settlement have been utilized. If the peace of the world is to be maintained, it must be through the preventive power of a common purpose.

Without this it will still remain not only possible but practicable to disregard international obligations, to override the rights of States, particularly of small States, to ignore principles, to violate rules; and it is only through international cooperation giving a reasonable assurance of peace that we may hope for the limitation of armaments. It is to be expected that nations will continue to arm in defense of their respective interests, as they are conceived, and nothing will avail to diminish this burden save some practical guaranty of international order. We, in this country, can and should maintain our fortunate freedom from entanglements with interests and policies which do not concern us; but there is no national isolation in the world of the twentieth century.

OUR INTERNATIONAL DUTY.

If at the close of the persent war the nations are ready to undertake practicable measures in the common interest in order to secure international justice, we can not fail to recognize our international duty. The peace of the world is our interest as well as the interest of others, and in developing the necessary agencies for the prevention of war we shall be glad to have an appropriate share; and our preparedness will have proper relation to this end as well as to our own immediate security.

When we contemplate industrial and commercial conditions we see that we are living in a fool's paradise. The temporary prosperity to which our opponents point has been created by the abnormal conditions incident to the war. With the end of the war there will be the new conditions determined by a new Europe. Millions of men in the trenches will then return to work. The energies of each of the now belligerent nations, highly trained, will then be turned to production. These are days of terrible discipline for the nations at war, but it must not be forgotten that each is developing a national solidarity, a knowledge of method, a realization of capacity hitherto unapproached. In each the lessons of cooperation now being learned will never be forgotten. Friction and waste have been reduced to a minimum; labor and capital have a better understanding; business organization is more highly developed and more intelligently directed than ever

Digitized by Google

before. We see in each of these nations a marvelous national efficiency. Let it not be supposed that this efficiency will not count when Europe, once more at peace, pushes its productive powers to the utmost limit.

On the other hand, in this country, with the stoppage of the manufacture of munitions a host of men will be turned out of employment. We must meet the most severe competition in industry. We are undisciplined, defective in organization, loosely knit, industrially unprepared.

THE CONDITION OF LABOR.

Our opponents promised to reduce the cost of living. This they have failed to do, but they did reduce the opportunities of making a living. Let us not forget the conditions that existed in this country under the new tariff prior to the outbreak of the war. Production had decreased, business was languishing, new enterprises were not undertaken; instead of expansion there was curtailment, and our streets were filled with the unemployed. It was estimated that in the city of New York over 300,000 were out of work. Throughout the country the jobless demanded relief. The labor commissioners of many States, and our municipal administrations, devoted themselves to the problem of unemployment, while the resources of our voluntary charitable organizations were most severely taxed. What ground is there for expecting better conditions when the unhealthy stimulus of the war has spent its force and our industries and working men are exposed to the competition of an energized Europe?

It is plain that we must have protective upbuilding policies. It is idle to look for relief to the Democratic Party, which as late as 1912 declared in its platform that it was "a fundamental principle of the Democratic Party that the Federal Government, under the Constitution, had no right or power to impose or collect tariff duties except for the purpose of revenue." We are told in its present platform that there have been "momentous changes" in the last two years, and hence, repudiating its former attitude, the Democratic Party now declares for a "nonpartisan tariff commission." But have the "momentous changes" incident to the European war changed the Constitution of the United States? Is it proposed to use a tariff commission to frame a tariff for revenue only? Is the opposing party ready to confess that for generations it has misread the Constitution? Is that party now prepared to accept the protective principle? Rather, so far as the tariff is concerned, it would appear to be without principle. Witness its action in connection with the sugar duties, its reaffirmation of the doctrine of a revenue tariff, its dyestuffs proposal, and its formulation in lieu of protective duties of an "antidumping" provision, the terms of which are sufficient to show its ineffective character.

THE PROTECTIVE TARIFF.

The Republican Party stands for the principle of protection. We must apply that principle fairly, without abuses, in as scientific a manner as possible; and Congress should be aided by the investigations of an expert body. We stand for the safeguarding of our economic independence, for the development of American industry, for

Digitized by Google

the maintenance of American standards of living. We propose that in the competitive struggle that is about to come the American workingman shall not suffer.

The Republican Party is not a sectional party. It thinks and plans nationally. Its policies are for the promotion of the prosperity of every part of the country—South, East, North and West. It is not simply a question of a wise adjustment of the tariff in accordance with sound principle, but there is also the need in other respects for stable conditions for commercial and industrial progress. If we are to meet effectively the conditions which will arise after the war is over, we must put our house in order. Let it be understood that the public right is to be maintained without fear or favor. But let us show that we can do this without impairing the essential agencies of progress.

There is no forward movement, no endeavor to promote social justice which in the last analysis does not rest upon the condition that there shall be a stable basis for honest enterprise. This subject has several important phases to which at this time I can allude only briefly. We should place our transportation system on a sure footing. We should be able wisely to adjust our regulative powers so that the fundamental object of protecting the public interest can be fully secured without uncertainties or conflicts and without hampering the development and expansion of transportation facilities. This national end may be accomplished without the sacrifice of any interest that is essentially local, or without weakening public control. Our present system is crude and inadequate.

COMMERCE, INDUSTRY, SHIPPING.

Moreover, in the severe economic struggle that is before us, and in seeking, as we should, to promote our productive industries and to expand our commerce—notably our foreign commerce—we shall require the most efficient organization quite as efficient as that found in any nation abroad. There must be no unnecessary wastes and no arbitrary obstructions. We have determined to cut out, root and branch, monopolistic practices, but we can do this without hobbling enterprise or narrowing the scope of legitimate achievement. Again, we must build up our merchant marine. It will not aid to put the Government into competition with private owners. That, it seems to me, is a counsel of folly. A surer way of destroying the promise of our foreign trade could hardly be devised. It has well been asked: Does the Government intend to operate at a porfit or at a loss? We need the encouragement and protection of Government for our shipping industry, but it can not afford to have the Government as a competitor.

We stand for the conservation of the just interests of labor. We do not desire production, or trade, or efficiency in either for its own sake, but for the betterment of the lives of human beings. We shall not have any lasting industrial prosperity unless we buttress our industrial endeavors by adequate means for the protection of health; for the elimination of unnecessary perils to life and limb; for the safeguarding of our future through proper laws for protection of women and children in industry; for increasing opportunities for

Digitized by Google

education and training. We should be solicitious to inquire carefully into every grievance, remembering that there are few disputes which can not easily be adjusted if there be an impartial examination of the facts. We make common cause in this country, not for a few, but for all; and our watchword must be cooperation, not exploitation. No plans will be adequate save as they are instinct with genuine democratic sympathy.

FEDERAL COMPENSATION LAW.

I stand for adequate Federal workmen's compensation laws, dealing not only with the employees of Government, but with those employees who are engaged in interstate commerce and are subject to the hazard of injury, so that those activities which are within the sphere of the constitutional authority of Congress may be dealt with under a suitable law.

We propose to promote by every practicable means our agricultural interests, and we include in the program an effective system of rural credits. We favor the wise conservation of our natural resources. We desire not only that they shall be safeguarded, but that they shall be adequately developed and used to the utmost public advantage.

We turn to other considerations of important policy. One of these is our attitude toward the Philippines. That, I may say, is not a question of self-interest. We have assumed international obligations which we should not permit ourselves to evade. A breach of trust is not an admissible American policy, though our opponents have seemed to consider it such. We should administer government in the Philippines with a full recognition of our international duty, without partisanship, with the aim of maintaining the highest standards of expert administration, and in the interest of the Filipinos. This is a matter of national honor.

FAVORS VOTES FOR WOMEN.

I indorse the declaration of the platform in favor of woman suffrage. I do not consider it necessary to review the arguments usually advanced on the one side or the other, as my own convictions proceed from a somewhat different point of view. Some time ago a consideration of our economic conditions and tendencies, of the position of women in gainful occupations, of the nature and course of the demand, led me to the conclusion that the granting of suffrage to women is inevitable. Opposition may delay, but in my judgment can not defeat, this movement. Nor can I see any advantages in the delay which can possibly offset the disadvantages which are necessarily incident to the continued agitation. Facts should be squarely met. We shall have a constantly intensified effort and a distinctly feminist movement constantly perfecting its organization, to the subversion of normal political issues. We shall have a struggle increasing in bitterness, which I believe to be inimical to our welfare. If women are to have the vote, as I believe they are, it seems to me entirely clear that in the interest of the public life of this country the contest should be ended promptly. I favor the vote for women.

Digitized by Google

Confronting every effort to improve conditions is the menace of incompetent administration. It is an extraordinary notion that democracy can be faithfully served by inexpertness. Democracy needs exact knowledge, special skill, and thorough training in its servants. I have already spoken of the disregard of proper standards in numerous instances in appointments to the diplomatic service. Unfortunately there has been a similar disregard of executive responsibility in appointments to important administrative positions in our domestic service. Even with respect to technical bureaus the demands of science have been compelled to yield to the demands of politics.

THE CIVIL-SERVICE LAWS.

We have erected against importunities of spoilsmen the barriers of the civil-service laws, but under the present administration enactments providing for the creation of large numbers of places have been deliberately removed from the merit system. The principles of our civil-service laws have been shamelessly violated. We stand for fidelity to these principles and their consistent application. And, further, it is our purpose that administrative chiefs shall be men of special competence eminently qualified for their important work.

Our opponents promised economy, but they have shown a reckless extravagance. They have been wasteful and profligate. It is time that we had fiscal reform. We demand a simple, businesslike budget. I believe it is only through a responsible budget, proposed by the Executive, that we shall avoid financial waste and secure proper administrative efficiency and a well-balanced consideration of new administrative proposals.

We live in a fateful hour. In a true sense the contest for the preservation of the Nation is never ended. We must still be imbued with the spirit of heroic sacrifices which gave us our country and brought us safely through the days of civil war. We renew our pledge to the ancient ideals of individual liberty, of opportunity denied to none because of race or creed, of unswerving loyalty. We have a vision of America prepared and secure; strong and just; equal to her tasks; an exemplar of the capacity and efficiency of a free people.

I indorse the platform adopted by the convention and accept its nomination.

O

Digitized by Google

Digitized by Google

64TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT No. 1320

DETAILED INFORMATION CONCERNING CONSTRUCTION OF SINGLE-SCREW STEEL COLLIER NO. 1

LETTER FROM THE SECRETARY OF WAR

TRANSMITTING

DETAILED INFORMATION IN THE WAR DEPARTMENT CONCERNING THE CONTRACT WITH THE SHANGHAI DOCK & ENGINEERING CO. (LTD.), OF SHANGHAI, CHINA, FOR THE CONSTRUCTION OF THE SINGLE-SCREW STEEL COLLIER NO. 1 FOR THE USE OF THE UNITED STATES ARMY

AUGUST 5, 1916.—Referred to the Committee on Military Affairs and ordered to be printed, with illustrations

WASHINGTON
GOVERNMENT PRINTING OFFICE
1916

Digitized by Google

Digitized by Google

LETTER OF TRANSMITTAL.

WAR DEPARTMENT,
Washington, July 21, 1916.

The SPEAKER, HOUSE OF REPRESENTATIVES.

SIR: In compliance with House Resolution 275, Sixty-fourth Congress, first session—

> That the Secretary of War be, and he is hereby, directed to transmit to the House of Representatives detailed information in the War Department concerning the contract with the Shanghai Dock & Engineering Co. (Ltd.), of Shanghai, China, for the construction of the single-screw steel collier *No 1*, for the use of the United States Army—

I have the honor to submit the following report:

On April 15, 1913, there was received in the office of the Quartermaster General a contract, dated February 7, 1913, between Col. I. W. Littell, Quartermaster Corps, United States Army, Manila, P. I., and the Shanghai Dock & Engineering Co. (Ltd.), covering the construction of one steel collier, at a cost of $371,000; vessel to be completed in 16 months from date of contract. This was the first information that the Quartermaster General had that such a vessel was to be constructed by the Philippine authorities, no provision having been made in the estimates of appropriations for the fiscal year 1913 for such new vessel construction in the Philippine Department. Precedent was followed in this case, as the commanding general, Philippine Department, had authority to spend funds in much the same way as the Secretary of War is allowed to authorize the expenditure of funds in the United States.

This collier was planned to take the place of two old wooden colliers which had been in service for many years, one of which had been completely destroyed and the other was so rotten that it was difficult to keep her afloat. It was also desired to have a collier which could proceed to Corregidor Island under its own power with a cargo of coal in case of siege.

Under date of May 13, 1914, a supplemental contract was entered into with the above-named contractor, extending the time limit for completion to October 7, 1914.

On October 31, 1914, another supplemental contract was executed, extending the time for completion to December 15, 1914. From correspondence attached to this supplemental contract, it appears that the outbreak of the European war had delayed shipment of about 10 tons of material entering into the construction of the elevating gears of coal-discharging apparatus.

On March 16, 1915, the department quartermaster, Philippine Department, forwarded copies of correspondence explaining the further delay in completion of this vessel, which correspondence showed that on January 21, 1915, during trials of the collier, the

Digitized by Google

coal-discharging machinery developed structural weakness and failed; and on March 15, 1915, it was decided by the contractors that new material must be designed and made to replace the parts which failed.

On March 20, 1915, the representative of the Quartermaster Corps at Shanghai submitted report to the department quartermaster, Philippine Department, inclosing marked photograph, showing the cause of the trouble with the coal-discharging machinery.

Under date of February 11, 1915, the department quartermaster, Philippine Department, forwarded report of the Shanghai Dock & Engineering Co. (Ltd.) relative to the above-mentioned accident to machinery.

On May 15, 1915, the department quartermaster, Philippine Department, furnished copies of correspondence relative to the further delay in completion of this collier, in which the difficulties experienced by the shipbuilding firm in getting satisfactory action from the patentees of the coal-discharging machinery are fully set forth.

Under dates of January 14, 1916, and February 25, 1916, the department quartermaster, Philippine Department, forwarded copies of cablegrams from the contractor, stating that the British Government had delayed shipment of the new parts required until January. Based upon this correspondence, two communications, dated February 24, 1916, and June 1, 1916, respectively, were sent to the department quartermaster, Philippine Department, asking for report as to the advisability of applying any balance due the contractor on this vessel toward supply and installation of coal-discharging apparatus from the United States. To this the department quartermaster replied, under date of June 1, 1916, that he considered it inadvisable to make any change in the coal-handling apparatus of the collier, for the reason that it is of special design, and it would occasion more delay to abandon the present machinery than it would to allow the contractor to complete the present installation.

Under date of June 24, 1916, there was received from the Secretary of State a communication from the London representatives of the Shanghai Dock & Engineering Co. (Ltd.), requesting the State Department to instruct the ambassador at London to obtain permission from the British ministry of munitions for the patentees of the coal-discharging machinery to complete the same and ship to Shanghai.

After consulting with the Manila authorities by cable, the Secretary of State was requested, under date of July 3, 1916, to instruct the ambassador in London to use his good offices to secure, if possible, the above-mentioned permission for fabrication and shipment of this material.

Transmitted herewith are photographic copies of the records of this department bearing on the case in question.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

Digitized by Google

DETAILED INFORMATION CONCERNING CONSTRUCTION OF SINGLE-SCREW STEEL COLLIER NO. 1.

HEADQUARTERS PHILIPPINE DEPARTMENT,
OFFICE OF CHIEF QUARTERMASTER,
Manila, P. I., March 6, 1913.

From: Chief Quartermaster.
To: Chief, Quartermaster Corps, Washington, D. C.
Subject: Contract for one steel collier.

1. Inclosed find two numbers of contract entered into by me under date of February 7, 1913, with the Shanghai Dock & Engineering Co. (Ltd.) for the construction of one steel collier.

I. W. LITTELL,
Colonel, Quartermaster Corps, Chief Quartermaster.

These articles of agreement, entered into this seventh day of February, nineteen hundred and thirteen, between I. W. Littell, colonel, Quartermaster Corps, United States Army, of the first part, for and in behalf of the United States of America, and The Shanghai Dock and Engineering Company, Limited, of Shanghai, China (hereinafter designated as contractor), of the second part, witness: That the said parties do hereby mutually covenant and agree to and with each other—referring to any advertisement, circular to bidders, and specifications hereto attached or pertaining hereto and samples referred to therein, which, so far as they are applicable, form a part of this contract—as follows, viz:

ARTICLE 1. That the said contractor shall furnish all labor and material necessary to construct and shall construct one (1) steel collier of the following dimensions:

	Feet.
Length over all	362
Length between perpendiculars	350
Breadth moulded	50
Depth moulded	28

having a dead-weight carrying capacity of about 6,000 tons, including bunkers, on 20-foot draft in salt water, built in accordance with general arrangement plan No. 64/13 and midship section No. 63/13 and specifications hereto attached and forming part of this agreement as fully as if written herein and drawn hereon.

ART. 2. That the said steel collier shall be fitted for the purpose of auxiliary propulsion with one set of direct-acting, vertical, two-crank compound surface condensing engines; four coal elevators,

Digitized by Google

each capable of discharging about 150 tons per hour; four continuous automatic weighing machines for elevators; and one coal convevor capable of discharging at a height of 50 feet above water level when collier is at loaded draft; surface condensing plant for auxiliary propelling machinery and other auxiliary machines, such as dynamos, elevator machinery, pumps, winches and windlass to consist of large surface condenser with cast-iron body, brass tubes, and tube plates secured with lipped ferrules and cotton packing and one centrifugal circulating pump and one Edwardes type air pump of ample size for all requirements, independent steam pumps, steam turbine electric lighting plants, cylindrical multitubular boiler of ample size for the requirements, and all other machinery and fittings as specified.

ART. 3. That the said steel collier shall be completed and delivered to the said party of the first part, or his authorized representative, in Manila Bay, Manila, P. I. (free entry being granted), within sixteen (16) months from date of this contract, provided that completion and delivery is not delayed by fire, strikes, or outstanding of workmen, acts of God, acts of rulers, perils of the sea, or other causes unavoidable and beyond the control of the said contractor.

ART. 4. That it is expressly agreed and understood that this contract shall be noneffective until an appropriation adequate to its fulfillment is granted by Congress and is available.

ART. 5. That for and in consideration of the faithful performance of the stipulations of this agreement the contractor shall be paid, at the office of the Chief Quartermaster, Philippines Division, Manila, P. I., as follows: For the steel collier completed, delivered and accepted, the sum of gold dollars three hundred and seventy-one thousand (G. $371,000.00), United States currency. Payments to be made in the following five equal installments of contract price:

First. When keel is laid.

Second. When vessel is in frames.

Third. When vessel is plated.

Fourth. When vessel is launched.

Fifth. When vessel is delivered at Manila.

Provided, That upon the first 50 per centum of the completed work 20 per centum of the amount of each account shall be retained until the final completion and acceptance by the Government of all the work under this contract.

ART. 6. That in case of the failure of the contractor to perform any part of this contract the party of the first part, or his successor, shall have the right to supply the deficiency by procurement in open market, or otherwise, purchasing any of the supplies so required at such place as he may elect—with the view of obtaining the same promptly and at the same time endeavoring to secure fair and reasonable prices (the articles procured to be the kind herein specified, as near as practicable), at the expense of the contractor; and in case failure should occur prior to the time fixed for performance of all parts of the contract, the right is hereby reserved to the United States to elect whether the contractor shall be permitted to continue

Digitized by Google

performance as to such remaining part (deficiency by reason of any further failure to be supplied as above) or whether the entire unperformed part shall be procured at the expense of the contractor. In event, however, of the granting of additional time for performance, the cost of inspection and other expenses and damages to the United States over what would have been incurred had performance been accomplished by the time originally fixed therefor, if any, except in so far as the same may arise from delays for which the United States is responsible, as determined in each of these particulars by the officer in charge or higher authority, shall be charged to the contractor and may be deducted from any money due or to become due said contractor from the United States: *Provided*, That where additional time has been granted the United States shall also have the right to cause the remaining part of the contract, or any portion thereof, to be taken from the contractor whenever, in the opinion of the officer in charge, reasonable and satisfactory progress is not being made, and to secure completion at the expense of the contractor, including charges as above on account of delays.

ART. 7. That the contractor shall hold and save the United States, and all officers and agents thereof, harmless from and against all demands of any nature or kind for or on account of the use of any patented article, combination, or process which may affect the material delivered or work done under this contract.

ART. 8. That neither this contract or any interest therein shall be transferred to any other party or parties, and in case of such transfer the United States may refuse to carry out this contract either with the transferor or the transferee, but all rights of action for any breach of this contract by said contractor are reserved to the United States.

ART. 9. That no Member of or Delegate to Congress, or Resident Commissioner, nor any person belonging to or employed in the military service of the United States, is, or shall be, admitted to any share or part of this contract, or to any benefit which may arise herefrom, but, under the provisions of section 116 of the act of Congress approved March 4, 1909, (35 Stats., 1088), this stipulation, so far as it relates to Members of or Delegates to Congress or Resident Commissioners, shall not extend, or be construed to extend, to any contract made with an incorporated company for its general benefit.

ART. 10. That this contract shall be subject to approval of the commanding general, Philippines Division; and such approval when given shall relate back and be construed as operative from the date specified in this contract as the date of its execution, and the rights of the parties shall be determined accordingly.

In witness whereof the undersigned have hereunto placed their hands the date first hereinbefore written.

I. W. LITTELL,
Colonel, Quartermaster Corps, U. S. Army.
THE SHANGHAI DOCK AND
ENGINEERING COMPANY, LIMITED,
By D. TURNBULL, *Attorney.*

S. C. ANDERSON,
R. J. BURTON.

Digitized by Google

I certify that I have satisfied myself of the authority of D. Turnbull to sign himself as the attorney of The Shanghai Dock and Engineering Company, Limited, that his signature binds the corporation and that I have waived the provisions of Par. 568, A. R. 1910.

I. W. LITTELL,
Colonel, Quartermaster Corps, U. S. Army.

HEADQUARTERS PHILIPPINE DIVISION,
Manila, P. I., February 8, 1913.

Approved:
By command of Maj. Gen. BELL.

H. P. MCCAIN,
Adjutant General.

CONTRACTOR'S BOND (PUBLIC WORKS).

Know all men by these presents, that we, The Shanghai Dock & Engineering Company, Limited, a corporation existing under the laws of the State of Victoria, Hong Kong, China, as principal, and The International Banking Corporation, a corporation existing under the laws of the State of Connecticut, as surety, are held and bound unto the United States of America in the penal sum of one hundred and eighty-five thousand, five hundred ($185,500) dollars, to the payment of which sum well and truly to be made we bind ourselves and our successors, jointly and severally, firmly by these presents.

The condition of this obligation is such, that whereas the above-bounden The Shanghai Dock & Engineering Company, Limited, has, on the 7th day of February, 1913, entered into a contract with the United States, represented by I. W. Littell, colonel, Quartermaster Corps, United States Army, for furnishing all labor and necessary material for the construction and delivery of one (1) single-screw steel collier.

(Ruling out of words "corporate," line 31 and 33; "resolution," line 32; and "resolution of its," line 35, done before signing.)

Now, therefore, if the above-bounden The Shanghai Dock & Engineering Company, Limited, shall and will, in all respects, duly and fully observe and perform all and singular the covenants, conditions, and agreements in and by the said contract agreed and covenanted by said The Shanghai Dock & Engineering Company, Limited, to be observed and performed according to the true intent and meaning of the said contract, and as well during any period of extension of said contract that may be granted on the part of the United States as during the original term of the same, and shall promptly make full payments to all persons supplying it labor or materials in the prosecution of the work provided for in said contract, then the above obligation shall be void and of no effect; otherwise, to remain in full force and virtue.

In witness whereof, the parties hereto have executed this instrument this 8th day of February, 1913, the name and seal of said prin-

Digitized by Google

cipal being hereto affixed and these presents duly signed by its attorney, pursuant to a power of attorney of its board of directors passed on the 28th day of July, 1908, a copy of the record of which is hereto attached; and the name and seal of said surety being hereto affixed and these presents duly signed by its attorney pursuant to power of attorney signed by its vice president and secretary, passed on the 11th day of February, 1907, a copy of the record of which is on file in the War Department.

THE SHANGHAI DOCK & ENGINEERING COMPANY, LIMITED.
By D. TURNBULL, *Attorney.*

Attest:
G. E. BOWEN.

THE INTERNATIONAL BANKING CORPORATION,
By W. H. OGLE, *Attorney.*

Attest:
G. E. BOWEN.

Know all men by these presents, that The Shanghai Dock & Engineering Co., Ltd., of Shanghai, whose registered office is situated at Victoria, in the Colony of Hongkong, duly registered in accordance with the "Companies' Ordinance, 1868," the 17th day of April, 1906, in the presence of A. Seth, registrar of companies, do hereby make, constitute, and appoint David Turnbull, of Shanghai, the true and lawful attorney for the company, to contract on behalf and in the name of the company, to sign the corporate name to any contracts prepared in accordance with the U. S. Government form, and further, do hereby invest him with full authority to bind this company, and lastly do hereby ratify and confirm whatsoever our said attorney shall lawfully do or cause to be done in the premises.

In witness whereof we affix our hand and seal of office this 28th day of July, 1908.

THE SHANGHAI DOCK & ENGINEERING CO. (LTD.),
JOHN PRENTICE,
Chairman of Directors.

Signed, sealed, and delivered in the presence of—
JAS. H. OSBORNE, *Secretary.*

CERTIFICATE OF ACKNOWLEDGMENT OF EXECUTION OF DOCUMENT.

EMPIRE OF CHINA, CITY OF SHANGHAI,
Deputy Consular General, ss:

I, W. Roderick Dorsey, Deputy Consular General of the United States of America at Shanghai, China, duly commissioned and qualified, do hereby certify that on this 30th day of July, 1908, before me personally appeared John Prentice, Chairman of Directors of Shanghai Dock & Engineering Co., Ltd., to me personally known, and known to me to be the individual described in, whose name is subscribed to, and who executed the foregoing instrument, and being informed by me of the contents of said instrument, duly acknowl-

Digitized by Google

edged to me that he executed the same freely and voluntarily for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and official seal the day and year last written above.

[SEAL.] W. RODERICK DORSEY,
Deputy Consul General of the U. S. of America.

Fee No. 33, two dollars. Consular stamp, $2.00.

A true copy:

WILLIS C. METCALF,
Captain and Quartermaster, U. S. A.

I certify that the authority granted to me to sign as attorney for The Shanghai Dock & Engineering Company, Limited, by meeting of its board of directors, under date of July 28th, 1908, has never been suspended, amended, or revoked.

THE SHANGHAI DOCK & ENGINEERING COMPANY, LIMITED,
By D. TURNBULL, *Attorney.*

MANILA, P. I., *February 7th, 1913.*

I certify that the attached power of attorney, dated the 28th day of July, 1908, authorizing me to sign as attorney for the International Banking Corporation, in the absence of Charles Day Palmer and Philip G. Eastwick, was signed by me during the absence of the aforementioned parties. I further certify that the said power of attorney has never been suspended, amended, or revoked.

INTERNATIONAL BANKING CORPORATION,
By W. H. OGLE, *Attorney.*

MANILA, P. I., *February 8th, 1913.*

INTERNATIONAL BANKING CORPORATION.

To all to whom these presents shall come:

International Banking Corporation, a corporation organized and existing under and by virtue of the laws of the State of Connecticut, with its principal office in the city of New York (hereinafter called the corporation), sends greeting: Whereas it is desirable to provide for the management of the corporation's business in Manila and the Philippine Islands, and the corporation is accordingly desirous of appointing attorneys of the corporation with the powers hereinafter expressed: Now know ye, and these presents witness, that the corporation hereby nominates, constitutes, and appoints Charles Day Palmer and Philip G. Eastwick, both of Manila, Philippine Islands, jointly and severally, or failing either of them, or in case either of them shall die, cease to be in the service of the corporation, or shall refuse or be permanently or temporarily incapacitated from acting by illness, absence, or other cause, of which the certificate in writing of the below-named William H. Taylor, of Manila, P. I., shall be suffi-

Digitized by Google

cient evidence, then (but only so long as such incapacity, if temporary, shall last) William H. Taylor, of Manila, P. I. (each of whom whilst acting under these presents is hereinafter referred to as "the said attorney"), to be the attorney of the corporation in Manila and the Philippine Islands; (all of which are) hereinafter included in the expression "the sphere of operations," and in the name and on behalf of the corporation or in the name of the said attorney, to carry on the business of the corporation in the sphere of operations in all its branches and to do all such acts and things as may be necessary or convenient for that purpose, and in particular and without prejudice to the generality of the foregoing to do or concur with any other person or persons, company or companies, body or bodies politic or corporate whomsoever and whatsoever, in doing all or any of the following acts, matters, and things, that is to say:

1. To carry into effect all such instructions or directions as the said attorney may from time to time receive from the corporation.

2. To engage and employ agents, managers, accountants, cashiers, clerks, assistants, or other officers and servants necessary for conducting and carrying on the business of the corporation, and on such terms and conditions as may seem expedient, and at the pleasure of the said attorney to suspend, remove, or dismiss any such persons, officers, and servants and others to appoint in their stead: *Provided*, That the appointment or dismissal of any manager, principal, accountant, or subaccountant shall be provisional only pending confirmation by the board of directors of the corporation.

3. To ask, demand, sue for, recover, and receive of and from all and every person or persons, company or companies, whomsoever, and also of and from every body public, politic, or corporation it doth or may concern all sums of money, bonds, bills, promissory notes, debts, dues, goods, wares, merchandise, chattels, effects, and things of what nature and description soever which are or at any time or times hereafter shall or may become due, owing or payable to, or recoverable by the corporation.

4. To ask, demand, sue for, recover, and receive all and every sum and sums of money which now is or are, or which hereafter shall or may be due and owing to the corporation for the time being upon or by virtue of any hypothecation, mortgage or mortgages, deposit or deposits, pledge or pledges, or other security or securities whatsoever on real or personal estate, and to give all, every, and any notices requiring payment or otherwise of any sum or sums of money, and on receipt thereof to sign, and to give good and sufficient receipts, acquittances, or other discharges.

5. To state, settle, and adjust any account or accounts, reckoning or reckonings whatsoever wherein the corporation is or may at any time or times hereafter be in anywise interested or concerned with any person or persons, company or companies, body or bodies politic or corporate whomsover, and to pay or receive the balance or balances thereof, as the case may require, and in case of need to refer any dispute or difference to arbitration and to appoint an arbitrator or arbitrators, and to obey, carry out, and fulfill any award or awards.

6. To compound or compromise and accept part, in lieu of the whole, of any such debts as aforesaid, or any sums of money or any other debts, claims, or demands whatsoever which are now or may at any time or times hereafter become due or payable to or may be

Digitized by Google

made by the corporation, and to take or receive any composition or dividend and to give receipts, releases, or other discharges for the whole of the same, debts, sums, or demands, or to submit to arbitration all and every of any such debts or demands, and all other claims, rights, matters, and things due to or concerning the corporation as the said attorney shall think most desirable and beneficial.

7. To petition or prove all or any claim or claims in any bankruptcy or insolvency court, and take all such proceedings in reference thereto as the said attorney may think fit.

8. To attend and vote at any meeting of any shareholders, security holders, or creditors of any company or corporation in the corporation may be a shareholder or security holder, or of which it may be a creditor, and to give proxies for the same, and to petition and take part in proceedings for the winding up of any such company or corporation, and to act in relation to all or any of the affairs of any such company or corporation.

9. To commence, prosecute, appear to, and defend, in the name of and at the cost of the corporation or of the said attorney, any action or actions, suit or suits, in any court of law or equity or other proceedings. To attach, seize, or arrest the person or persons, goods, chattels, effects, and estates of any debtor or debtors or other person or persons liable in that behalf, and to prosecute any action or actions, suit or suits to judgment or execution, or to discontinue the same, as the said attorney shall, in his judgment and discretion, think most expedient.

10. To extend the time for payment of all or any moneys owing on any present or future mortgage or security at such rate of interest and upon such terms and conditions as the said attorney may think proper, and also to postpone, wholly or partially, any such mortgage or security as aforesaid to any other security upon such terms as the said attorney shall think fit, and also to exercise all rights, powers, authorities, and discretions which have been or may hereafter be given to or vested in the corporation as a mortgagee, licensee, or pledgee of any real or personal property whatsoever, and which have been or may hereafter be vested in the corporation as attorney, agent, or trustee of any persons, firms, companies, or corporations, public or private.

11. To use and take such other ways and means for recovering, receiving, and obtaining or getting in any such sum or sums of money or other things whatsoever which are or may hereafter become due or payable to or claimable by the corporation from any person or persons, firm, company, or body whomsoever, and upon receipt or delivery of any sums of money, bonds, bills, notes or profits, dues, goods, effects, chattels, and things, or any part or parts thereof, respectively, to make and give all and every such good and sufficient acquittances, reconveyances, assurances, releases, and discharges in the law whatsoever, as the nature of the case may require, or as the said attorney shall think fit and expedient.

12. To draw, accept, indorse, sign, and negotiate, in the name of the corporation or in the name of the said attorney, any bills of exchange, promissory notes (including bills drawn on the United States Treasury or the United States Subtreasury), bills of lading, policies of insurance, charter parties, ship certificates, bills of sale, warehouse

Digitized by Google

or wharfinger's receipts, dock warrants, delivery orders or other documents of title to goods and merchandise.

13. To open a banking account with any bank or banks, and to draw, sign, and indorse cheques thereon, and generally to operate upon any banking account for the time being standing in the name of the corporation, and from time to time to close or transfer any such banking account and to open new ones as to the said attorney may appear desirable, and to overdraw on any such account and generally to operate thereon; provided, always, that all cheques drawn upon any account of the corporation by virtue of the powers conferred by this clause shall be countersigned by the accountant, acting acountant, or subaccountant of the corporation within the sphere of operations for the time being.

14. To deposit for safe custody deeds, documents, securities, and other private or valuable property with any bank at which the corporation shall have an account, as aforesaid, and from time to time to withdraw the same whenever the said attorney shall think fit.

15. To purchase, sell, hypothecate, pledge, assign, and transfer and otherwise dispose of stocks, shares, debentures, debenture stock, bonds, obligations, or other securities of any government, municipal, local, or other authority, and of any company or corporate body.

16. To borrow and take up at interest, with or without security from any bank, firm, company, body, or person whomsoever any sum or sums of money, and if necessary or desirable to give security for the same by mortgaging, hypothecating, charging, or pledging any securities or other property, whether real or personal, of the corporation, and to dispose of the money so borrowed in such manner as the said attorney shall think fit.

17. To lend money to any person, firm, or company, or to any government or municipality, local or other authority or body, either without security or upon such security and upon such terms and conditions as to the said attorney shall seem expedient.

18. To act as trustee under any bond or mortgage, and to act as guardian, administrator, executor, receiver, committee, conservator, or trustee of any estate, person, firm, or corporation, public or private, and to undertake any other trust or duty or agency whatsoever.

19. To effect fire, marine, and other insurance upon any property of the corporation or in which the corporation may be interested, and in case of loss to adjust the amount thereof and give good and sufficient receipts and acquittances therefor.

20. From time to time, if and whenever the said attorney may think fit or expedient to purchase, take on, lease, hire, or otherwise acquire and hold, either in the name of the corporation or in the names of trustees on its behalf, all such houses, offices, buildings, lands, hereditaments, chattels, effects, and things as shall be necessary or expedient for or in relation to any of the purposes or objects of the corporation, and to demise, sell, exchange, mortgage, charge, pledge, surrender, give up, and dispose of the same subject to any covenants, exceptions, reservations, and restrictions which may be thought fit, and to transfer, release, or otherwise deal with any mortgages, charges, or securities, whether upon real or personal property, within the sphere of operations to which the corporation may be entitled, and also to execute or enforce any powers of sale or other

Digitized by Google

rights, powers, or remedies incident to any such mortgages, charges, or securities as aforesaid, or otherwise to realize and obtain the benefit thereof in such manner as may be thought proper, and to assure or dispose of any estates which may be vested in the corporation as trustee or mortgagee.

21. To procure the incorporation or registration of the corporation within the sphere of operations, and to do all such other acts and things as may be necessary to procure recognition of the legal status of the corporation and its rights to trade and carry on business within the sphere of operations, including any formal submission to the laws, for the time being, in force in the sphere of operations which may be required, and the acceptance of service of all legal process of whatsoever description on the corporation's behalf, and, if desirable, the registration or designation of an office at which or an officer upon whom such service may be made.

22. For all or any of the purposes aforesaid, to appoint, employ, and remunerate all such solicitors, accountants, and other agents, and the same to dismiss and others to appoint in their stead, as the said attorney may think fit.

23. From time to time, and for the further better and more effectual execution and performance of the several matters and things hereby provided, to appoint, and at pleasure to remove any one or more substitute or substitutes, and to delegate to any such substitute or substitutes all or any of the powers and authorities by these presents conferred upon the said attorney.

24. For all or any of the purposes aforesaid to bind the corporation for the time being by deed, and to sign, seal, and execute and deliver any conveyances, mortgages, leases, reconveyances, releases, discharges, assignments, transfers, agreements, and documents whatsoever, and to appear before any registrar or other officer or authority and to make any declaration or do any other act or thing requisite for procuring the corporation to be registered or recognized as the owner, lessee, mortgagee, or chargee of or having any interest in property of any description, whether real or personal, or for giving full effect to any conveyance, mortgage, reconveyance, lease, release, assignment, transfer, or agreement executed by the corporation or by its said attorney on its behalf.

And the corporation doth hereby ratify and confirm, and agree to ratify and confirm, all and whatsoever the said attorney, or any person or persons so appointed as aforesaid under the provisions of these presents, shall lawfully do or cause to be done in or about the premises, including in such confirmation whatsoever shall be done between the time of the revocation by any means of these presents and the time of such revocation becoming known to the said attorney or to such person or persons so appointed as aforesaid.

And the corporation doth declare that these presents shall continue and remain in full force and effect until actual notice of revocation thereof or of the dissolution of the corporation shall have been received by the said attorney or any person or persons so appointed as aforesaid, respectively, and that as against the corporation and every person claiming under it, respectively, every act and deed which shall be done or executed by the said attorney or any person or persons so appointed as aforesaid after the revocation of the

Digitized by Google

powers hereby conferred, or any of them, shall be binding and conclusive in favor of every person claiming the benefit of such act or deed who shall not prior to the doing or execution thereof have received notice of such revocation, and that no person dealing with the said attorney, or with any person or persons so appointed as aforesaid, shall be bound to enquire or to ascertain whether the said powers or any of them have been revoked or otherwise determined.

In witness whereof, the corporation has caused these presents to be signed by its vice president and secretary and its corporate seal to be hereunto affixed this eleventh day of February, in the year one thousand nine hundred and seven.

INTERNATIONAL BANKING CORPORATION,
By J. S. FEARON, *Vice President.*
JAMES H. ROGERS, *Secretary.*

STATE OF NEW YORK,
County of New York, ss:

On this eleventh day of February, A. D. 1907, personally appeared before me James S. Fearon and James H. Rogers, to me known, and known to me to be, respectively, the vice president and secretary of the International Banking Corporation, and they severally executed the above power of attorney in my presence, and they severally acknowledged that they executed the foregoing power of attorney as the act and deed of said International Banking Corporation.

C. LOZIER BURKE,
Notary Public, Kings Co., No. 36.

(Certf. filed in N. Y. Co.)

STATE OF NEW YORK,
County of New York, ss:

I, Peter J. Dooling, clerk of the county of New York, and also clerk of the court for the said county, the same being a court of record, do hereby certify that C. Lozier Burke has filed in the clerk's office of the county of New York a certified copy of his appointment and qualification as notary public for the county of Kings, with his autograph signature, and was at the time of taking the proof or acknowledgment of the annexed instrument duly authorized to take the same. And further, that I am well acquainted with the handwriting of such notary and believe the signature to the said certificate of proof or acknowledgment to be genuine.

In testimony whereof, I have hereunto set my hand and affixed the seal of the said court and county the 11 day of February, 1907.

PETER J. DOOLING, *Clerk.*

A true copy:

CHASE DOSTER,
Captain & Quartermaster, U. S. Army.

Digitized by Google

INSTRUCTIONS TO BIDDERS FOR FURNISHING THE QUARTERMASTER'S DEPARTMENT WITH ONE (1) COAL BOAT.

HEADQUARTERS PHILIPPINES DIVISION,
OFFICE OF CHIEF QUARTERMASTER,
Manila, P. I., June 20, 1912.

1. Sealed proposals, in triplicate, subject to the usual conditions, will be received at this office until 11 a. m., October 15, 1912, and then opened in the presence of attending bidders, for the construction and delivery, free of all charges, including customs duties, if any, to the Quartermaster's Department, United States Army, at Manila, P. I., complete and ready for service, one (1) coal boat.

2. Proposals will be made only on the authorized blank forms and prepared in strict accordance with the requirements made known in the advertisement, these general instructions, the printed instructions on the blank form and specifications hereto attached, otherwise same will not be considered.

3. Bidders must state the time in which they will complete the boat from the date of commencement of work, and must also state the time required for the completion of the entire work. In case of failure of the contractor to complete the work and deliver the same within the stipulated time, any expense thereby incurred by the Quartermaster's Department will be charged to the contractor.

4. Guaranty, signed by at least two responsible parties, a qualified surety company, or a certified check in the sum of ten per cent (10%) of the amount of the bid must accompany each proposal as a guaranty that if the proposal is accepted within twenty (20) days from the date of opening, the successful bidder, will, within ten (10) days after written notification of award, enter into contract with the Chief Quartermaster, Philippines Division, and give bond conditioned upon the faithful performance of the contract, and in case of failure to enter into contract as stipulated, the guaranty given with the bid shall be forfeited to the United States.

5. The amount of the bond will be one-half the full amount of the consideration of the contract.

6. Partial payments will be made from time to time based on estimates of completed work.

7. The attention of prospective bidders is invited to the following instructions of the War Department:

"WAR DEPARTMENT,
"*Washington, November 18, 1909.*

"SIR: My attention having been called from time to time to the fact of the great inconvenience suffered by the Government on account of contractors not fulfilling their contracts within the periods stipulated, you are hereby directed hereafter to specially call the attention of all contractors, at the time of signing contracts, to my purpose to exact a fulfillment of all contracts as to the time periods, and that I want them to understand that in entering into contract they need not do so with the expectation that they can be relieved of those conditions.

"Very respectfully,

"J. M. DICKINSON, *Secretary of War.*

"Brig. Genl. JAMES B. ALESHIRE,
"*Quartermaster General, U. S. Army.*"

Digitized by Google

8. The United States reserves the right to accept or reject any or all bids, or parts of bids, as may be advantageous to the Government.

9. A copy of the advertisement of these general instructions and specifications must be attached to at least one copy of every proposal.

10. Blank forms and necessary information will be furnished upon application to this office.

11. Proposals should be inclosed in sealed envelopes indorsed, "Proposals for one (1) coal boat, to be opened at 11.00 a. m., October 15, 1912," and addressed to the Chief Quartermaster, Philippines Division, Manila.

12. All work to be executed in the best and most thorough workmanlike manner, and all of the material used to be of the best. Material and work shall be subject to inspection by representatives of the Quartermaster's Department, and none but the best material and workmanship will be accepted.

13. The intent and spirit of these specifications is that the contractor shall construct the boat in a first-class manner. The general description given herewith is only a general outline to give the bidders an idea of what is wanted.

14. The boat must be delivered to the Water Transport Quartermaster, Manila, at the expense of the contractor, and the Quartermaster's Department, U. S. Army, shall be at no expense in the construction or delivery of the vessel or of any of the work (except such expense as may be incurred by an authorized representative in making required inspections), or until final acceptance, and then only for the contract price.

15. Blank forms and necessary information will be furnished upon application to the representative of the Consular Service of the United States at Hong Kong, Shanghai, and Singapore, and the chief quartermaster, Philippines Division, Manila.

16. All plans and specifications submitted will be subject to such modifications and alterations as the chief quartermaster, Philippines Division, Manila, may deem to the best interests of the service, without any additional cost to the United States, and should it be decided that any of the work shown is not necessary proper allowance will be made by the contractor covering same.

I. W. LITTELL,
Assistant Q. M. General, U. S. A.,
Chief Quartermaster.

SPECIFICATION FOR A STEEL COLLIER WITH SINGLE SCREW AUXILIARY MACHINERY FOR THE QUARTERMASTER'S DEPARTMENT, U. S. ARMY, PHILIPPINES DIVISION, MANILA, P. I.

Principal dimensions.—Length over all, 362 feet; length between perpendiculars, 350 feet; beam, moulded, 50 feet; depth, moulded, 28 feet.

Description of vessel.—The vessel to be built of Lloyd's tested mild steel in scantlings, as specified, or equal sections with straight stem and elliptical stern in accordance with General Arrangement Plan No. 64/13 and Midship Section No. 63/13 in keeping with the

Digitized by Google

general requirements of a harbor coal hulk, fitted with four coal bunkering elevators, coal shoots, and weighing machines, one elevating coal conveyor capable of discharging at a height of 50 feet above deep-load water line of collier, and other fittings enumerated in the specification. The auxiliary propelling machinery to be located aft with pumps and steam turbine-driven electric generating sets.

Extent of specifications.—Those specifications are intended to cover the construction and equipment of a collier, to be built, launched, and fitted complete in all respects, with all necessary fittings, as hereinafter described or as shown on the drawings, including boiler, machinery, deck houses, steam capstans, joiner work, plumbing work and fixtures, painting, deck fittings, anchors, chains, lifeboats, steering gear, electric plant, davits, windlass, galley fixtures, cabin and stateroom furnishings, cushions, fire hose, racks, and buckets, engineers' and fireroom tools, speaking tubes, oil and water tanks, cabin and ship lights, etc., in general, all necessary and useful fittings for the successful operation of the vessel in every respect, whether specially mentioned or not, and any article pertaining to the satisfactory completion of the vessel, which may have been inadvertently omitted from these specifications or from the official drawings, but which are deemed necessary for the proper completion of the vessel and its equipment in its entirety, are to be supplied by the contractor without extra charge. The vessel is to be delivered to the department afloat in Manila Harbor in good condition and running order, and in all respects satisfactory to the department. Free entry to be granted.

Trials and speed.—The contractor will be required, upon completion of the vessel, to test and determine the efficiency of his work and all the machinery installed, including discharging capacity of elevators, to the satisfaction of the Quartermaster's Department, both by trials at dock and running free, and should any faulty construction, defects, or deficiencies in any respect be found or developed they are to be satisfactorily corrected by the contractor. The machinery is to be operated at the dock with full working pressure of steam until all steam joints and bearings are in good condition and engines can be run continuously at full speed without heating of any journals or bearings. The contractor will be required to take indicator cards during preliminary trials and make all necessary adjustment of valves to secure best possible distribution of the steam. The contractor will also set the date for the official trials, informing the department at least thirty days previous to the date of the proposed trials. The trial of the propelling machinery will be carried out by giving the vessel a continuous run in a free course of water for two consecutive hours at full speed without heating of journals.

The contractor shall furnish all necessary crew for the operation of the vessel, as well as experienced men to observe and take the necessary data—revolutions per minute, steam pressures, receiver pressures, vacuum in condenser, revolutions of circulating pump, strokes of feed pumps, air pump, etc., temperatures of circulating water entering and leaving condensers, hot wells and feed-water temperatures and the like. Indicator cards shall be taken from the main engine every 20 minutes during speed and endurance trial, all other observations of pressures, revolutions, etc., being made as

Digitized by Google

nearly simultaneously as practicable. The pounds of coal consumed per hour during trial trip shall also be ascertained, and all methods of obtaining the required data by the contractor and assistants shall meet the approval of the department.

The start will be made with the engine and boiler settled to good working condition and only natural draft will be used on the endurance run.

All moving parts of the engines and auxiliaries must run smoothly and without shock or noise. There shall be no tendency of bearings to heat or grip, and should any defects be developed subsequent trials shall be made until all the machinery is in satisfactory working order. The electric-light engines, steam capstans, windlass and plumbing systems, etc., will be tested and proved satisfactory. The contractor shall furnish, fit, and connect, ready for use, all instruments necessary for the taking of the trial data, and shall bear all expenses of the trials. All data taken on the trials shall be accurately worked up, properly tabulated, and promptly delivered to the department.

The engines, boiler, and auxiliaries will be opened up after the trials, bearings, cylinders, and all such parts carefully examined, and any parts found defective made good. The boiler will be thoroughly washed out and cleaned, all manhole and handhole plates being opened up for this purpose and properly replaced ready for steam.

Inspection.—All work and materials entering into the construction of the vessel and machinery, also all fittings supplied, shall be subject at all times to the inspection of the officer in charge or his authorized representatives, and any imperfect materials or fittings must be replaced and errors of construction amended as required to satisfactorily meet the requirements according to the true intent and meaning of these specifications.

Every facility is to be afforded inspectors for the prosecution of their work, and the contractor will be required to furnish a suitable room or office, properly lighted and cleaned, with desk and drawing board or table, chairs, etc., for use of the department's representative.

Weighing machines.—Correctness of weighing machines to be guaranteed within a margin of 1 per cent.

Drawings.—All detail drawings necessary for the construction of the vessel and all its machinery will be furnished by and at the expense of the contractor as directed and approved by the department, which must be furnished with two brown and four blue prints of each drawing before work is performed. Should it appear necessary or desirable in the course of construction to make any changes of arrangements of detail, such changes shall be made by the contractor without extra charge, provided that the general character and style of work specified is maintained, and provided that the work has not already been executed.

One complete set of brown and white prints and six sets of blue prints of all drawings showing the work as actually performed on the vessel will be furnished by the contractor within thirty (30) days after final completion and acceptance of the vessel.

The contractor shall also furnish the department with four copies of each of the following-named photographs of the vessel: One view to be taken on the first day of each month after the keel is laid;

Digitized by Google

one view to be taken as the vessel leaves the launching ways; one view to be taken when the collier is completed ready for delivery, the picture to illustrate a broadside view taken forward of amidships.

All prints will be 8 inches by 10 inches, except view of completed collier, which must be 14 inches by 17 inches, all first class in every respect.

A model hull, on a scale of one-quarter of an inch to the foot, suitably mounted, shall be furnished as soon as the same has been finally determined, the model to show hull lines, stern frame and rudder; propeller, deck fittings, houses, etc., will not be required.

Capacity of vessel.—The total carrying capacity of the vessel on a mean draft of about 20 feet in salt water to be about 6,000 tons dead-weight, including bunkers, with all gear and equipment on board and steam up, but ballast tanks empty.

Materials.—All structural material used in the construction of the vessel, unless otherwise specified, must be of the best quality open-hearth mild steel, which shall have a tensile strength of between the limits of twenty-eight (28) and thirty-two (32) tons per square inch of section, an elongation before fracture of twenty per cent (20%) on pieces eight inches (8″) long, and capable of standing the usual hot and cold bending tests satisfactorily under the inspection gauge and tests of Lloyd's rules and regulations, and stamped. Lloyd's certificates to be furnished.

All steel castings to be subjected to tests as required by Lloyd's rules and regulations. All composition castings, unless otherwise specified, to be of naval "gun metal"—88 per cent copper, 10 per cent tin, 2 per cent zinc. Manganese bronze, where specified, will be "Parson's" or equal. All wood used in the construction as hereinafter specified must be thoroughly well seasoned, selected, and free from all defects, sap, knots, splits, wind-shakes, etc. All other materials to be of the best of their kind. All materials must be properly cared for at all times, and kept under cover or stowed as required by the inspector in charge.

Workmanship.—The workmanship throughout, of every description, to be of the most thorough character unless otherwise specified, fully equal to the requirements of Lloyd's Rules and Regulations for first-class steel vessels, particular care being taken to insure fair lines, smooth surfaces, and perfect water-tightness of all parts of the hull, houses, etc., that are directed to be made water-tight; all irregularities to be removed by rerolling, and all riveting to be carefully executed.

It is also the intention that all machinery entering into the construction of the vessel shall be strictly first class; the boiler, pumps, engines, electric plant, windlass, capstans, and all appurtenances and fittings throughout shall be installed complete in all details and fully equal to or in accordance with Lloyd's Rules and Regulations as last amended.

HULL AND SHIP FITTERS' WORK.

Keels and double bottom.—The vessel will be constructed as per midship section for this particular type of double bottom, with a double bottom from frame No. 28 to frame No. 152, as shown on plan. The center girder will be continuous 31 inches by 0.5 inch for half length amidships, to 37 inches by 0.4 inch at ends, with side well

Digitized by Google

girders, as on plan. The center girder will be in as long lengths as possible, the butts being carefully planed and fitted, also properly shifted with flat keel plates, etc., worked water-tight throughout, except at wells, where lightening holes will be cut. It will be treble riveted and secured to flat plate keel and tank top by double continuous angles, the bottom angles being 4½ by 4½ inches by 0.58 inch for half length amidships to 0.54 inch at ends, and top angles 3½ by 3½ inches by 0.48 inch for half length amidships to 0.46 inch at ends. Vertical angles connecting floors to center girder to be 3½ by 3½ inches by 0.38 inch.

The flat keel will be 46 inches wide by 0.92 inch thick for three-fifths of the vessel's length amidships, tapered to 0.66 inch at ends, worked in lengths of not less than nine frame spaces, the butts to be carefully planed and fitted in the most careful manner, metal to metal, and riveted to Lloyd's requirements.

There will be two longitudinal girders on each side of center line formed of plate 0.42 inch thick, with bulb angle 11 by 3½ inches by 0.62 inch on top of floors.

Plates secured to shell plating by angles 3½ by 3½ inches by 0.42 inch.

Continuous floor plates extending from center girder to sides to be fitted to every frame in double bottom. Floors 31 inches at center by 0.48 inch thick for 3.5-inch length to 0.38 inch at ends.

Frames and reverse frames in double bottom.—Frames 5½ by 3½ inches by 0.42 inch, reverse frames 5 by 3½ inches by 0.42 inch, forming a 7½-inch girder spaced 25 inches apart.

Side stringer in double bottom on shell plating.—Formed of 6½ by 3½ inches by 0.48-inch angle and intercostal plate 0.42 inch connected to shell by 3½ inches by 3½ inches by 0.42-inch angle.

Tank top.—Tank-top plating middle-line strake to be 0.48 inch thick for half length amidships to 0.4 inch thick at ends. Plating in olds to be 0.46 inch, 0.4 inch, and 0.38 inch thick as in plan, the thicker plating being fitted at bottom part of slope. The entire inner bottom will be properly riveted to Lloyd's requirements and thoroughly caulked water-tight throughout with all the necessary pipes and connections.

Channels 9 inches by 3½ inches by 3½ inches by ⅜ inch by ½ inch to be fitted on every frame to support tank tops, bracketed to frame and longitudinal bulkhead. Channel pillars 6 inches by 3 inches by 3 inches by 0.4 inch fitted in every floor in line with side girders and riveted to channel beams.

Stem.—To be iron forging 10 inches by 2⅝ inches to Lloyd's rules. The fore foot will be widened and forged to suit shape of hull and joggled to make good connection with keel plate. The hull plating will be double riveted through stem, holes being drilled and reamed fair with plating.

Stern post.—To be of cast steel or wrought iron to Lloyd's rules 9 inches by 7 inches reduced from lower part of rudder trunk to its head where it is to be 7½ inches by 7 inches, secured to transom floor plate by two vertical angles. To be arranged with gudgeons for rudder pintles and heel bearing and shoe extending about 11 feet 6 inches into the hull, to suit shape of vessel and joggled to make good connection with keel plate. Propeller post 10 inches by 7 inches bossed to take propeller shaft.

Digitized by Google

The hull plating will be double riveted through stern post, the holes in post being drilled and reamed fair with holes in plates.

Rudder.—To be of single plate type with cast-steel stock and brace arms spaced to Lloyd's requirements. The stock will be separate from the rudder and be 8½ inches in diameter, with bolted, flanged, tongued, and grooved connection for attachment to rudder. The rudder plate will be to Lloyd's rules and the pintles will be 4¼ inches in diameter.

Side frames.—Between tank top and main deck to be formed of 8 inch by 3½ inch by 0.46 bulb angle spaced 25 inches center to center. Frames in peaks 5½ inches by 3½ inches 0.36 inch spaced 24 inches center to center. Reverse frames in peaks 3 inches by 3½ inches by 0.36 inch.

Side framing in engine and boiler space.—Of bulb angles 9 inches by 3½ inches by 0.5 inch spaced 25 inches apart with two side stringers fitted between tank margin and between deck stringer.

Double bottom in engine and boiler space.—Center girder 0.4 inch in engine space; 0.6 inch in boiler space. Double-bottom frames and reverse frames 3½ inches by 3½ inches by 0.38 inch. Tank-top plating 0.46 inch in engine space and 0.54 inch in boiler space.

Cant frames.—To be to 5½ inches by 3½ inches by 0.36 inch, spaced 25 inches around the stern at the knuckle, to carry the stern plating. They will be gusseted to the transom floor and to the deck stringer and beams above. These frames to be carefully beveled to fit the plating and show no hollowness.

Panting stringers.—Vessel to be efficiently strengthened at fore and after ends to prevent panting.

Engine, boiler, and other foundations.—Strong foundations to be fitted under engine and boiler of plates and angles.

Hull plating to be to Lloyd's rules for double-bottom vessel.—Will be worked in and out strakes; vertical seams to be lapped. Plates to be not less than nine frames spaces in length and butts well separated from each other. (At least two frames spaces.) Solid liners are to be fitted in one length from plate edge to plate edge, in between frames and outside strakes of plating, at watertight bulkheads. Plating from flat keel plate to upper turn of bilge to be 0.56 inch thick for half vessel's length amidships to 0.46 inch at ends. Midship thickness of three strakes of bottom plating next the keel to be maintained forward to collision bulkhead; from upper turn of bilge to strake in way of tank top at side to be 0.54 inch for half length amidship to 0.44 inch at ends.

Sheer strake to be 46 inches by 0.82 inch for 1.2 length to 0.44 inch at ends and strake below 46 inches by 0.63 inch for half length to 0.44 inch at ends. The sheer strake to extend about 4½ inches above the stringer. Poop side plating, 0.36 inch.

Plates at stern will be partially bossed to inclose the propeller shafts, and those connected to the stern post must be of the thickness required for the same strakes amidships.

Doubling plates to be fitted in way of hawse pipes and under all sounding pipes. All outside edges and butts of plating to be planed and all burrs to be carefully chipped off; all edges and butts carefully calked watertight.

All butts, seams, rivets, laps, and spacing of rivets throughout the vessel shall be in accordance with Lloyd's rules.

Digitized by Google

Rivet holes in the shell plating must be properly countersunk in the outside plates, and holes in the adjoining plates must be fair without drifting.

No rivet holes shall be punched or drilled in any plate or angle nearer to the edge than the diameter of the rivet to be driven in them, and all rivets must fill the holes completely. All work must be drawn up metal to metal before riveting, and all edges of the plates shall be fair and their surfaces show no buckling. All plates shall be thoroughly cleaned from rust, etc., and painted at laps before being assembled, the cleaning being done with wire brushes.

Riveting.—All rivets to be mild steel, of approved quality and diameters, spacing, laps, etc., in accordance with Lloyd's rules. The riveting must be executed in a careful and workmanlike manner throughout, the rivets properly filling the holes and driven hot. The countersinking of holes for flush pointed rivets to extend just through the whole thickness of the plate. The driven heads of rivets, when finished, must be flush with the outer surface of the plates, except rivet heads in the outside plating against the stem, sternpost, etc., which will be slightly convex.

Deck beams.—Main deck beams to be 8½ inches by 3 inches by 0.5 inch bulb angle, reduced at ends in accordance with Lloyd's rules. They will be placed on every frame with 12½ inches camber amidships and connected with bracket plates 27 inches by 0.50 inch securely riveted to beams and frames.

Every alternate beam carried through to longitudinal bulkhead and bracketed to same.

Poop-deck beams.—Formed of 9 inches by 3½ inches by 0.5 inch bulb angles fitted to alternate frames, with bracket knees 23 inches by 0.44 inch.

Deck stringers and plating.—Main deck stringer plate 55 inches by 0.58 inch for half vessel's length amidships, tapered to 33 inches by 0.42 inch at ends, will be worked on ends of beams. The entire deck clear of openings will be plated over with steel 0.4 inch thick for half length to 0.32 inch at ends and calked water-tight.

Butts of main deck stringers to be lapped and treble riveted, and butts of deck plating to be double riveted amidships, single riveted at ends. Butts of stringer to make good shift with butts of outside plating, to which they will be connected by angle 4½ inches by 4½ inches by 0.62 inch for half length amidships to 3½ inches by 3½ inches by 0.44 inch at ends.

Poop-deck stringer.—Poop-deck stringer to be 33 inches by 0.34 inch, worked on ends of beams, secured to the side plating by angles 3½ inches by 3½ inches by 0.34 inch. Tie plates to be 9 inches by 0.34 inch.

Transverse water-tight bulkheads.—There will be water-tight bulkheads on frames 8, 28, 90, and 152, all extending to main deck. These bulkheads will be placed vertically, the bottom half to be 0.34 inch thick and the top half 0.3 inch and stiffened as per Lloyd's requirements. Butts and edges of plating to be single riveted, the butts being well shifted. All seams of these bulkheads will be carefully calked and made water-tight.

Longitudinal coal division bulkheads for elevator well.—Lower part formed of plating 0.34 inch thick, upper half 0.3 inch, stiffened by 5-inch by 3-inch by 0.34-inch angles, spaced 25 inches apart, and

Digitized by Google

horizontal stiffeners fitted on opposite side, as shown on midship section.

Partial coal-hold bulkheads.—Fitted in position as shown on plan of plating, 0.32 inch lower part and 0.26 inch upper part, stiffened by angles 5 inches by 3 inches by seven-twentieth inch, spaced 30 inches apart.

Bunker bulkheads.—To be arranged alongside of boiler formed of plating 0.3 inch thick, stiffened by angles 3 inches by 3 inches by 0.3 inch, spaced about 30 inches apart. Bottom of bunkers to be ceiled with 2½-inch Oregon pine.

Stanchions for deck beams.—In way of coal holds formed of channels 7 inches by 3 inches by 3 inches by 17.6 pounds fitted on alternate beams (4 foot 2 inch centers).

'Tween-deck casings.—The casings inclosing the engine and boiler spaces in the 'tween decks to be of steel, with a coaming standing 18 inches above the steel deck and 0.32 inch thick, secured to deck plating by angles 3 inches by 3 inches by 0.36 inch. Sides of casing to be 0.26 inch thick, stiffened by angles 3½ inches by 3 inches by 0.3 inch, spaced about 30 inches apart.

Coal hold above main deck.—Coaming plate 0.42 inch thick, connected to deck by 3 inches by 3 inches by 0.4 inch angle. Sides 0.36 inch and top 0.3, stiffened by angles 3½ inches by 3 inches by 0.3 inch, spaced 25 inches apart.

Hawse pipes.—Of cast iron, on each bow, of sufficient size to receive anchor shanks and shackles, and with well-shaped, good-fitting heavy rounded flanges at outer and inner ends, caulked thoroughly watertight. Lower sides thickened up to allow for wear from chafing of anchors and cables. Chain stoppers, of approved design, to be well secured to forecastle deck, which will be reinforced as necessary.

Mooring bitts and fair leads.—All of cast iron, in number and position as shown on plan.

Steel guards.—Two steel guards, to be fitted on each side of vessel, formed of 0.34-inch plates, connected to shell plating by angles. To be filled with best cement, under pressure, after being secured in place on hull and caulked watertight. All to be as shown on midship section.

Hatches.—To coaling space above main deck, as shown on plan, formed of steel coaming with 2½-inch Oregon pine hatch covers.

CARPENTER AND JOINER WORK.

Decks.—Teak decks 2½ inches thick to be fitted on poop deck. At fore end of main deck, the deck, which is of steel, is to be sheathed with best-quality Oregon pine, 3 inches thick, and increased to 4 inches in way of windless and chain stoppers.

Rails.—Wrought-iron stanchions with two rods fitted around main and poop decks, also around platform in way of coal elevators. Upper rod to be 1⅛-inch diameter and lower rod 1 inch. The upper rod to be 3 feet 6 inches high above deck.

'Tween deck.—Fitted aft between aft peak bulkhead and boiler-room bulkhead, as shown on plan. Beam, 8 inches by 3 inches by 0.42, bulb angle in every frame; knees, 23 inches by 0.42 inch; stringer, 32 inches by 0.34 inch. Remainder of deck plating, 0.3 inch.

Boats.—To have one lifeboat and one working boat, each 20 feet long, resting in chocks. The boats to be built of Japan pine, with teak keel and garboard strake and gunwale, and fitted with all neces-

Digitized by Google

sary thwarts and stern benches; hardwood oars; galvanized rowlocks; rudder with yoke and tiller cords; boat hook; bottom plug; manila rope painter; boat cover; releasing device; lashings with trip hooks complete.

The lifeboat to be fitted with galvanized air tanks in end compartments and under side benches and to have the following additional fittings: Galvanized bucket with lanyard attached, water breaker, two life preservers, life line the entire length of boat on each side, fastened with a seine float in each bight, mast and spar, sail, blocks and rigging, galvanized mast ring and cleats, and all other equipment as required by the United States steamboat-inspection laws.

The workmanship and materials to be of the best and approved quality, and each and every part of each boat will have three coats of best oil paint of approved color.

Boat chocks and davits.—All boat chocks to be of 5-inch lumber of approved quality. Davits about 4 inches diameter, stepped in sockets on ship's side. All necessary tackle, falls, blocks, cleats, fair leads, spreaders, eyebolts, ringbolts, guys, hooks, etc., complete of proper size as approved.

Running lights and lamps.—One set of regulation port and starbard oil-burning side lights, one range light, and one stern light to be supplied and fitted.

Two combined oil-burning and electric anchor lights to be supplied and fitted of regulation size and approved pattern with dioptric lenses. Necessary fittings, side screens, masthead boxes, frames, etc., for hoisting and carrying same in their proper position.

All lights supplied and located in accordance with United States Steamboat-Inspection Service.

Brass-caged, bracket, oil lamps to be supplied to all cabins; 12 brass, oil, bulkhead lanterns for engine and boiler rooms and crew's quarters; and 12 hand lamps.

Captain's and officers' accommodation.—Accommodation aft under poop to be arranged for captain, officers, and engineers, with mess room, water-closet, and showers, complete, with all cocks and valves and connections to tanks. Office on starboard side and pantry and storeroom in port side. All lining to be of Oregon pine and arranged generally as shown on plan. Spring and horsehair mattresses, cushions, and backs to be supplied to each cabin, and the usual drawers, shelves, and wardrobe as required.

Galleys.—Foreign galley and crew's galley to be fitted at sides of casing in tween deck, with all necessary fittings. Lockers, cupboards, drawers, shelves, racks, dressers, etc., of appropriate sizes. Composition fittings throughout. Sinks of iron with rounded corners and brass waste connections, brass taps, etc., complete; also brass hand pumps with necessary connections to fresh-water tanks if required. Dishracks of hardwood over dressers on bulkheads. Floors to be cemented and tiled in an approved manner, heavy tiling for hard usage; scuppers with brass strainers to bilges. A range of suitable size for cooking and baking purposes, also a stock pot, will be provided and installed in complete working order. Smoke pipe carried into main funnel and properly secured. Guard rails for top of range and pot racks above range.

Digitized by Google

Crew's galley to have one 25-gallon rice boiler complete with all necessary steam connections. Usual galley utensils to be furnished.

Storerooms.—Fitted on port and starboard sides of tween deck as shown on plan, complete with lockers, hooks, shelves, and drawers as required.

Chain locker.—Of steel of sufficient size to stow all chain cable.

Fore and after peaks.—To be made thoroughly water-tight for carrying water ballast, with all necessary pipes and connections, cocks, and valves complete.

Tanks.—Two 5-ton drinking-water tanks with steam-pipe connections and all necessary fittings. One sanitary tank of suitable size. One 500-gallon distribution fresh-water tank with small duplex piston pattern steam pump and all necessary cocks, valves, and connections for pumping water from peak tanks into distributing tank.

Companions.—Two companions to be fitted on main deck with ladders leading to tween deck.

Crew space.—To be fitted forward as shown on plan, containing bunks for 32 men, including 2 in separate room for quartermasters. Tables, lockers, cupboards, etc., as shown on plan. Fittings to be of Oregon pine, and bunks to be iron framing same as in *Merritt.*

Crew's water-closets.—Six fitted on main deck at fore end as shown on plan, similar to those fitted for crew on board the U. S. Army transport *Merritt.*

Boys' quarters.—At after end of officers' accommodation under poop deck, fitted with beds, tables, lockers, etc., as shown on plan.

Lamp and oil rooms and deck stores.—Lamp and store rooms will be arranged on main deck as shown on plans. Galvanized steel shelves and benches, with drawers, lockers, racks, hooks, etc., complete, for the storage of paints, oils, lights, etc., and filling of running lights, lamps, and lanterns, all available space being used to best advantage. The edge of bench or table in lamp room will have flange or ledge for preventing the escape of any oil that may be spilled. Doors to be of steel, with heavy composition hinges and locks. Steam pipe to be fitted for fire protection as required by regulations.

Steam capstans.—Four powerful steam capstans to be suitably placed for proper handling of vessels coming alongside. Steam from main boiler and exhaust led back to condenser. Steam and exhaust valves fitted on each capstan.

Windlass.—There will be installed on the forecastle head, complete in every particular, in working order, a steam windlass of approved size and pattern, with friction clutches and locking gear.

Wild cats of proper size to handle the large anchor chains specified. Engines to be fitted with an adjustment for all working bearings; also with drip pans and guards as required. Chain pipes to locker of iron with covers. Substantial foundations to be provided and any other parts necessary. Chain stoppers of approved design will be secured to forecastle deck forward of windlass. Type of windlass to be same as in *Merritt*, but of larger size.

Flagstaffs.—One ensign staff of spruce or other suitable lumber 21 feet long, finished bright, braced to rail aft, and with step on deck as approved. Truck of lignum-vitæ, gilded, and all necessary

Digitized by Google

stays, fittings, and halyards complete. Composition sheaves and pins.

Jackstaff forward complete, as specified for ensign staff.

Awnings.—One set of No. 6 cotton duck awnings to be supplied and fitted over crew's quarters and poop with all necessary cringles and lacings, stanchions, and ridge poles complete.

Binnacle and compass.—There will be installed one brass binnacle with spirit compass and brass lamps on each side complete in every respect and adjusted at contractor's expense.

Ship's clocks.—Two ship's clocks to be installed in approved positions.

Reducing valves.—Reducing valves with brass-cased steam gauge to be installed in steam-supply pipe where required and set to required pressure.

Fire apparatus and wash-deck service.—Provide six sections of first-class approved fire hose, having United States standard thread in fittings, 2½ inches diameter, each 50 feet long, with couplings, nozzles, spanners, etc., complete. Six racks of hardwood of approved quality provided and set where directed, convenient to fire connections, canvas weather protection, brass fastened. There will be four fire-service connections with finished brass fire valves, screw caps and chains, etc., in approved positions for fire and wash-deck service on port and four on starboard sides of coal casing. Twelve fire axes to be hung in suitable racks at different parts of the vessel. Twelve galvanized-iron fire buckets in galvanized-iron frames in crew's quarters and around smokestack. All axes and fire buckets to be painted red and lettered with the name of the vessel and words "For fire only."

Engine room telegraph and speaking tubes.—There will be a mechanical repeating telegraph of approved pattern fitted with dials at working platform and transmitters on bridge or poop deck. They will be so placed that the handles point forward for ahead motion. All connections are to be made in such manner that the chance of derangement shall be minimized. All dials to be marked in accordance with most approved practice and to be lighted by oil lamps. Speaking tubes of composition to be placed from engine room to bridge. All tubes to be as direct as possible with approved mouthpieces and whistles fitted at ends of speaking tubes with flexible tube connections of best quality as required.

Bridge.—To be fitted over fore end of poop deck with ladder from same and two hand rails supported on stanchions all round. Awning to be fitted over bridge, complete with stanchions and stretchers as shown on plan.

Skylights.—Two teakwood skylights to be fitted over officers' accommodation aft, complete with quadrant and fittings. One over engine room built of steel, as shown on plan, with lifting sashes etc., complete. To be thoroughly water-tight.

Equipment all to Lloyd's requirements.—Two patent bower anchors 52½ cwts., stockless; 1 patent bower anchor 44½ cwts., stockless, Baldt type or equal; 1 stream anchor 14 cwts., ex. stock; 1 Kedge anchor 6 cwts., ex. stock; 270 fathoms 2$\frac{1}{16}$ inches stud-link cable; 90 fathoms 1$\frac{3}{16}$ inches stream chain; 120 fathoms 13 inches hemp towline; 90 fathoms 2 of 7-inch hawser; 90 fathoms 2 of 7-inch warp.

Digitized by Google

All anchors fitted with rings for lifting and for cable shackles. All chains to have the required number of swivels, shackles, etc. Lloyd's test certificates to be supplied. The inboard end of chains to be passed through heavy ring bolts, securely riveted to bulkhead in chain locker and shackled to forgings at the after end of chain locker near bottom.

Scuppers.—To be fitted throughout as required for the proper clearing of decks of water.

Steering gear, patent double screw.—Placed aft on poop of extra strong construction and geared so that vessel can be easily controlled by hand. Steering gear to be Hastie's or equal quality.

Sounding and bilge pipes.—All as required to Lloyd's latest requirements. Bilge pipes of extra heavy lead.

Side scuttles.—Of galvanized iron, frames on hull, with 12 inches diameter clear glass set in brass frames to accommodation under poop deck and 10 inches diameter clear glass to 'tween deck and crew space as shown on plan; all fitted with inside water-tight storm covers.

Chain pipes.—Of diameter to suit chain cable, to be constructed of steel plates in position to suit lead of cable from windlass to chain locker.

Accommodation ladder.—One off, as shown on starboard quarter, with all necessary tackle, rail, and housing gear complete.

Ship's bell.—One set of International Code signal flags of regulation size and one United States ensign.

Cementing.—The bottom of the vessel inside will be thoroughly cleaned of all grease, chips, and dirt and smoothly coated with best quality cement, as approved, to thoroughly protect rivet heads, angles, and plating and to permit a free flow of water to limber holes, without water pockets or depressions.

Cement will also be used in all pockets formed by character of construction where directed to fill same flush and at ends of vessel. The cement used for this purpose shall be either the best quality Portland cement mixed with two parts fine, clear, sharp-grained, fresh-water sand, as directed, or bitumastic cement. All parts of the steelwork must be proven thoroughly satisfactory and water-tight before cement is applied.

Painting.—All steel must be well scraped, cleaned, and brushed free from rust and mill scale before painting; inside of hull, framing, deck beams, stringers, bunkers, bulkheads, houses, etc., to be thoroughly covered with two coats of best red lead, except as otherwise specified; all adjoining steel surfaces to receive at least two good coats of red lead before being assembled; tops of deck beams, stringer tie plates, etc., under decking planks, will have two good coats of red lead and covered with tar felt between steel and decking. The bottom of vessel, outside, after being carefully cleaned, will have two good coats of best quality anticorrosive bottom compound, and when thoroughly dry a coat of antifouling compound will be applied. Topsides above waterline and houses inside and out, also machinery spaces, will be painted three coats as directed, finishing coats of approved color.

Smokestack to be painted regulation colors. Fireroom fiddleys, uptakes, etc., will be painted three coats buff color. Cowls finished in vermilion inside.

Digitized by Google

All lettering to be as required throughout vessel, on buckets, boats, axes, life preservers, etc. Name of vessel, Quartermaster's Department, U. S. Army, in 10 inches composition letters, with composition insignia to be laid in tar felt on stern and name on bows as directed. Name boards appropriately moulded or carved, painted and gilded as required. All deck work to receive three coats of paint, last coat of approved color. All interior rooms throughout ship and crew's quarters and other rooms will be painted three coats of white paint. Engine room to be finished in white glossed and with a buff base in lower engine room. Engines to have all unfinished parts filled to a smooth surface, painted three coats of white, and varnished; boiler room and fiddley finished in buff glossed; boiler attachments finished as directed. All parts of the vessel and machinery to be properly painted and finished in an approved manner, whether specifically mentioned or not; all painting materials are to be of the best quality, and all painted work, bottom included, must be in a clean, first-class condition when the vessel is delivered to the Government.

Draft figures 6 inches high shall be pricked, punched, or chisel marked at the stern and stem, each side, from 3 feet below the light line to 2 feet above the load line, both inclusive, the figures being durably painted after bottom has been painted.

Articles not included in these specifications.—Crockery, glassware, plate ware and cutlery, linen and blankets, door mats, chairs and stools for living rooms, crews' and waiters' quarters.

ADDENDA.

1. All ballast tanks to be coated with bitumastic composition, applied hot. All parts to be first coated with bitumastic solution, care to be taken that all of the parts of reverse frames and other angles are well coated. Top of tank under boiler to be covered similarly to inside of tanks. Bottom of tanks and bilges throughout the vessel will be well covered with Portland cement, carried up to turn of bilge and rounded up on floor plates between frame spaces covering frames.

2. Proper ventilation to be provided in coal compartments.

3. Cylinders of capstan engines to be diameter 8 by 10 inch stroke.

4. Reducing valves to be Foster's or Leslie's make.

5. The boiler to be built to a factor of 5, in accordance to Lloyd's requirements for a working pressure of 150 pounds per square inch. Boiler saddles to be similar to those on *Merritt*. All molders' patterns to be furnished the department, with a full set of castings of each as spare.

6. Air and circulating pump to be independent and driven by a vertical two-cylinder compound engine, with extra large bearing surfaces. All parts adjustable. Tandem pattern will not be considered. A bilge pump connected to levers and bilge injection valve connected to suction of circulating pump. Tail rod and guide fitted to air pump.

7. All ballast tanks to be tested; the tanks must be proven tight and satisfactory under a head of not less than 16 feet above the tank top. All tanks to be provided with large gooseneck air vents.

Digitized by Google

8. Boiler saddles to be similar to those on *Merritt*.

9. One fusible plug in center combustion chamber only.

10. Vacuum to be 27 inches or over under test with all machinery in operation.

11. Mushroom and other ventilators to be fitted as directed.

12. Awning to be made of No. 2 cotton duck canvas, side curtains of No. 6.

13. Fire hose to be thoroughly tested under pressure of 100 pounds per square inch.

14. Anchors and chain to comply with Lloyd's rules for displacement of vessel.

15. One spare section of flexible steam and exhaust pipes for coaling-apparatus engine to be furnished.

16. Feed pumps to be of Weir's make, one injector to be furnished and installed from tank to boiler, complete, with all valves and fittings, as required.

17. Ballast pump suction to be connected to bilge.

18. Ballast and bilge suction and discharge pipes to be connected to manifolds, properly marked.

19. Damper to be fitted in funnel with all necessary gear to operate same.

20. The words "unless otherwise specified" to be eliminated from second line of paragraph under "workmanship" in specifications above referred to.

21. Coal elevators and conveyor to be thoroughly tested, working coal from compartments and discharging as directed; weighing apparatus checked; bunkers of collier to be coaled from aftercompartment.

22. Hull to be painted with three good coats of red and white lead mixed, before launching. When dry-docked, hull to be thoroughly wire brushed, cleaned, and then three coats of Rathjen's "Red-hand" composition applied; first two coats to be anticorrosive and third coat antifouling.

23. A trial of four consecutive hours, at full speed, without heating of journals (and not "two hours" as specified under paragraph included in "Trials and speed," p. 3 of specifications referred to above).

24. Doors at coal pockets to be of the wedge water-tight type.

War Department,
Office of the Chief of the Quartermaster Corps,
Washington, October 15, 1913.

From: Office Chief Quartermaster Corps.

To: Department Quartermaster, Philippine Department, Manila, P. I.

Subject: Collier built under contract dated February 7, 1913.

1. With reference to the contract above cited, it is desired that you indicate the way in which the collier is to be used when delivered by the contractors. Is it the intention to send the ship to Miike, Japan, or wherever coal is obtained at the time under contract, for the purpose of taking aboard coal for use of the transports and other

Digitized by Google

vessels in the Philippines? Or is the collier simply to be used to store coal delivered at Manila under contract?

2. About what will be the cost of the crew per month and of the other expenses of operation or maintenance per month? What savings in other directions is it anticipated will result from the use of this vessel?

3. Will the collier be considered a part of the transport service or otherwise?

By direction:

C. A. DEVOL,
Brigadier General, Q. M. Corps.

[First indorsement.

HEADQUARTERS PHILIPPINE DEPARTMENT,
OFFICE DEPARTMENT QUARTERMASTER,
Manila, November 20, 1913.

To the depot quartermaster, Manila, for remark.

I. W. LITTELL,
Colonel, Quartermaster Corps, Department Quartermaster.

[Second indorsement.]

OFFICE DEPOT QUARTERMASTER,
Manila, P. I., December 29, 1913.

To DEPARTMENT QUARTERMASTER, *Manila, P. I.*

1. Returned. The collier is intended for storing coal in Manila Bay.

2. Crew for care and operation of same will cost about $500 per month. Other expenses, including coal, about $250 per month. For saving expected, see below.

3. The collier should be considered a part of the transport service. It has no passenger accommodations without remodeling, but will carry coal or other supplies. It has propelling and steering apparatus and should have a speed of 4 or 5 knots per hour. It could be navigated short distances in good weather.

4. There is no suitable place for a coal yard available, and it has been necessary to store coal in three old hulks purchased for that purpose. They have become unserviceable, two having been condemned and sold and the third is in very bad condition and can not be used much longer. These have no machinery for handling coal other than hoisting by buckets, and the expense of maintaining the three was more than it will be for the new collier.

5. About 3,000 tons of coal is used here for ships' bunkers per month. It is usually possible to place about half of this into bunkers direct from lighters, the remainder being placed into colliers for storage. It is not possible ordinarily to coal directly from colliers, but necessary to coal lighters and coal from them. The approximate cost is as follows:

1,500 tons at 27½ cents per ton	$412.50
1,500 tons at 54½ cents per ton	817.50
Total	$1,230.00

The cost of handling this by the new collier is not known, but is considerably less, saving perhaps more than half the above amount.

Digitized by Google

This supposes the cost of maintenance to be more than balanced by the cost of maintenance of the hulks.

6. Storage afloat is necessary, and the new collier provides the best and most economical means of this kind, including machinery for handling and automatically weighing the coal.

7. A very considerable saving will be made in lighterage. It is estimated that 20 per cent of the lighterage now used by this office will not be required when the new collier is in use, or will be available for other purposes.

8. The collier can go to Corregidor in case of emergency with its cargo of coal for additional reserve, and in this way meets a military necessity in the defense of Manila Bay.

R. L. CARMICHAEL,
Major, Quartermaster Corps.

[Third indorsement.]

HEADQUARTERS PHILIPPINE DEPARTMENT,
OFFICE DEPARTMENT QUARTERMASTER,
Manila, December 30, 1913.

To the CHIEF, QUARTERMASTER CORPS, UNITED STATES ARMY,
Washington, D. C.

1. Returned, concurring in the preceding indorsement.

2. In addition to the advantages named by the depot quartermaster, this boat is equipped with four sets of modern coal-handling apparatus which will enable the vessel to coal either through side ports or top side. At the present time the method of ascertaining the amount of coal delivered is accomplished by weighing a certain number of baskets in every hundred. This is, of course, a more or less crude way and it is thought that, as the new vessel is equipped with weighing apparatus, the accurate method of weighing of coal will be of great advantage to the Government.

I. W. LITTELL,
Colonel, Quartermaster Corps, Department Quartermaster.

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER GENERAL OF THE ARMY,
Washington, December 28, 1914.

From: Office Quartermaster General.
To: Department quartermaster, Philippine Department, Manila, P. I.
Subject: Supplementary agreement, Shanghai Dock & Engineering Co., October 20, 1914.

1. The above-named agreement is returned for correction. The date of execution is October 31, 1914, while the assent of the surety is given as October 20, 1914. Explanation of erasure in date of execution should be made over the signature of all contracting parties.

By direction:

H. L. ROGERS,
Colonel, Quartermaster Corps.

Digitized by Google

[First indorsement.]

HEADQUARTERS PHILIPPINE DEPARTMENT,
OFFICE DEPARTMENT QUARTERMASTER,
Manila, P. I., February 8, 1915.

To Capt. J. S. HARDIN,
Quartermaster Corps, United States Army, Shanghai, China:

1. Two numbers of supplementary agreement with Shanghai Dock & Engineering Co. (Ltd.) inclosed.

2. Request that explanation on back of agreement be signed by Mr. Turnbull, attorney for the company, and paper returned to this office without delay.

By direction of department quartermaster.

M. GRAY ZALIŃSKI,
Lieutenant Colonel, Quartermaster Corps.

[Second indorsement.]

SHANGHAI, CHINA, *February 19, 1915.*

To the DEPARTMENT QUARTERMASTER,
Manila, P. I.

1. Returned with explanation signed as directed.

JOS. S. HARDIN,
Captain, Quartermaster Corps.

[Second indorsement.]

HEADQUARTERS PHILIPPINE DEPARTMENT,
OFFICE DEPARTMENT QUARTERMASTER,
Manila, P. I., March 4, 1915.

To QUARTERMASTER GENERAL OF THE ARMY,
Washington, D. C.:

1. Two numbers of supplementary agreement with Shanghai Dock & Engineering Co. (Ltd.) inclosed.

2. Explanation of erasure in date of execution noted on back thereof.

JNO. T. KNIGHT,
Colonel, Quartermaster Corps.
By M. GRAY ZALINSKI,
Lieutenant Colonel, Quartermaster Corps.

HEADQUARTERS PHILIPPINE DEPARTMENT,
OFFICE OF DEPARTMENT QUARTERMASTER,
Manila, P. I., November 18, 1914.

From: Department Quartermaster.
To: Quartermaster General, United States Army.
Subject: Contract, construction collier.

1. Herewith are two original numbers of supplementary agreement, dated October 20, 1914, extending the time limit of contract entered into between I. W. Littell, Colonel, Quartermaster Corps, United States Army, and The Shanghai Dock and Engineering Co. (Ltd.), dated February 7, 1913, to December 15, 1914.

JNO. T. KNIGHT,
Colonel, Quartermaster Corps.

Digitized by Google

SHANGHAI, CHINA,
September 8, 1914.

From: Capt. J. S. Hardin, Quartermaster Corps.
To: Shanghai Dock & Engineering Co. (Ltd.).
Subject: Completion of steel collier.

1. The probable date of completion of steel collier now under construction is requested. This information is to be embodied in a report by me to the Department Quartermaster.

JOS. S. HARDIN.

[First indorsement.]

SHANGHAI, *September 8, 1914.*

From: The Shanghai Dock & Engineering Co. (Ltd.)
To: Capt. J. S. Hardin, Quartermaster Corps.
Subject: Completion of steel collier.

1. Owing to the war delay it is very difficult for us this afternoon to give a definite date for completion, as our last letters from London regarding the patent coaling machinery and other subjects were received here on the 11th August, and instead of getting letters every few days we have received none from the above date, and it is therefore very difficult, in fact impossible, to say just now how we stand, though the next few days may bring us mail with full information. The whole of the above machinery is accounted for with the exception of the last 10 per cent and we are of the opinion, based on our previous letters, that this consignment is well on its way, but the whereabouts or actual date it will arrive here we are unable to say. The collier, as you are aware, was successfully launched yesterday, and we are presently installing the propelling machinery and boiler, etc., on board and expect to run the trials very shortly, but until we get some information regarding the last consignment of the patent coal machinery, it is impossible for us to state the exact date the vessel will be completed, but so far as we can judge it will only be a few weeks over the actual contract time. We will write you further in the matter immediately mail matter comes with any word about the arrival of the balance of this machinery.

THE SHANGHAI DOCK & ENGINEERING CO. (LTD.)
W. S. BURNES, *Manager.*

[Second indorsement.]

SHANGHAI, CHINA,
September 9, 1914.

To: The DEPARTMENT QUARTERMASTER, *Manila, P. I.*

1. Forwarded.
2. It is impossible for me to get definite information of steel collier No. 1. It seems that 20 tons of the patent discharging machinery are still unaccounted for.

JOS. S. HARDIN,
Captain, Quartermaster Corps.

Digitized by Google

COPIES OF CABLES.

MANILA, P. I.,
September 19, 1914.

Capt. HARDIN, *Shanghai, China.*

With reference to your indorsement of 9th, contract time limit expires October 7. Wire date to which contract should be further extended. Report cost inspection and other expenses, June 7 to date launching collier, to be deducted under supplemental agreement.

KNIGHT.

SHANGHAI, CHINA,
September 19, 1914.

DEPARTMENT QUARTERMASTER, *Manila, P. I.*

Contract time limit should be to December 15. Cost inspection and other expenses, June 7 to September 7, as follows: Pay and allowances (of) assistant, $663; pay and allowances (of) self, $1,002; total, $1,665.

HARDIN.

SHANGHAI, CHINA, *September 17, 1914.*

From: Capt. J. S. Hardin, Quartermaster Corps.
To: The Department Quartermaster, Manila, P. I.
Subject: Completion of collier.

1. Enclosed is a letter from the Shanghai Dock & Engineering Co. (Ltd.), from which I conclude that the collier will not be completed before the middle of December.

2. In this connection attention is invited to correspondence in reference to extension of contract time to 7th October, 1914.

JOS. S. HARDIN.

THE SHANGHAI DOCK & ENGINEERING CO. (LTD.),
September 16, 1914.

Capt. J. S. HARDIN, Quartermaster Corps,
Shanghai.

DEAR SIR: Owing to the war, correspondence from our agents in England has been greatly delayed and we have been at a loss to know how the delivery of machinery for the collier was progressing. Yesterday we cabled our agents, "When and by what steamer will the final delivery of collier gear be shipped?" and to-day received the reply, "*Glenturret* 19th September."

We regret the probability is that this steamer will not reach Shanghai before the middle of November.

We are, dear sir,
Yours, faithfully,
THE SHANGHAI DOCK & ENGINEERING CO. (LTD.),
JAS. H. BORNE,
Secretary.

Digitized by Google

To all to whom these presents shall come or may concern, greeting:

International Banking Corporation, a corporation organized and existing under a law of the State of Connecticut, and having an office at the city of New York, does hereby as principal nominate, constitute, and appoint Ninian Sandersonn Marshall and William Hendrickson Taylor, or either of them, its true and lawful attorney and agent in the Philippine Islands, with full power and authority, in the name or on behalf of the principal or any interest it may have or represent in any country, to establish a branch or agency, carry on a banking business or any business incidental thereto, employ agents, cashiers, clerks, solicitors, or others requisite therefor; and the same suspend or dismiss, hire, or purchase any premises or real property; and the same let, mortgage, sell, convey or reconvey, accept, borrow, buy, discount, draw, endorse, extend, hold, hypothecate, lend, negotiate, open, operate, overdraw, pass title to, pledge, receive, renew, or transfer any or all accounts, bills, bills of lading, bullion, cheques, deposits, drafts, exchange, money, notes, property, or documents purporting to evidence title thereto, rights, or securities whatsoever, whether owned or held in pledge, and acount therefor; provided, however, that checks or drafts drawn under authority hereof shall be countersigned by the principal's accountant or subaccountant in the attorney's sphere of operation for the time being; procure insurance against fire, marine, or other risk whatsoever to property of the principal, or in which it may be concerned or have or represent any interest, act as trustee or depositary; ask, demand, and take all necessary and lawful means to recover money, debts, or property due and give acquittance therefor; sue at law or in equity; adjust, compound, contest, defend, or settle any controversy of the principal in the course of said attorney's dealings, or which he may be directed by it to do; attach, distrain, or replevy property; apply for letters of administration upon the estate or for the appointment of a liquidator or receiver of any debtor; institute proceedings in bankruptcy or insolvency; prove and prosecute claims and generally represent the principal therein or in the affairs of any corporation or association or on behalf of said principal become a director or officer thereof, attend, take part in, or vote at any meeting, or give proxy therefor; cause the principal to be registered in any place or a corporation to be organized in its interest; register deeds and these presents and generally act on behalf of the principal in any matter in which it may be concerned, with full power of substitution and revocation; the principal hereby ratifying and confirming all that the said attorney or his substitute shall lawfully do or cause to be done by virtue hereof; and these presents shall remain in full force and effect in favor of anyone acting or claiming thereunder until having notice of revocation thereof.

In witness whereof the International Banking Corporation has caused these presents to be signed by its general manager and treasurer and its corporate seal to be hereunto affixed this 11th day of November, in the year 1911.

[SEAL.] INTERNATIONAL BANKING CORPORATION,
By H. T. S. GREEN, *General Manager*,
JOHN HUBBARD, *Treasurer*.

Digitized by Google

STATE OF NEW YORK,
County of New York, ss.

On this 13th day of November, A. D. 1911, personally appeared before me Harry T. S. Green and John Hubbard, to me known and known to me to be, respectively, the general manager and treasurer of the International Banking Corporation, and they severally executed the above power of attorney in my presence, and they severally acknowledged that they executed the foregoing power of attorney as the act and deed of said International Banking Corporation.

C. LOZIER BURKE,
Notary Public, Kings County.

(Certificate filed in New York County.)

No. 18736.

STATE OF NEW YORK,
County of New York, ss.

I, William F. Schneider, clerk of the county of New York, and also clerk of the supreme court for the said county, the same being a court of record, do hereby certify that C. Lozier Burke has filed in the clerk's office of the county of New York a certified copy of his appointment and qualification as notary public for the county of Kings with his autograph signature, and was at the time of taking the proof or acknowledgment of the annexed instrument duly authorized to take the same. And, further, that I am well acquainted with the handwriting of such notary and believe the signature to the said certificate of proof or acknowledgment to be genuine.

In testimony whereof I have hereunto set my hand and affixed the seal of the said court and county the 13th day of November, 1911.

[SEAL.] WM. F. SCHNEIDER, *Clerk.*

UNITED STATES OF AMERICA, PHILIPPINE ISLANDS,
City of Manila, ss.

I, the undersigned, notary public in and for the city of Manila, Philippine Islands, duly commissioned, sworn, and acting, do hereby certify that I have compared the foregoing copy with the original document exhibited to me this 6th day of January, A. D. 1912, and that the same is a true, correct, and accurate copy of said original.

[SEAL.] J. A. WOLFSON, *Notary Public.*

(My commission expires December 31, 1912.)

CITY OF MANILA,
Philippine Islands, ss.

The undersigned, notary public, certifies that he has compared the foregoing with an original document exhibited to him this 29th day of April, 1914, and that the foregoing is a true, complete, and accurate copy of said original.

J. A. WOLFSON, *Notary Public.*

(My commission expires December 31, 1914.)

A true copy:

JAMES HANSON,
Captain, Quartermaster Corps, United States Army.

Digitized by Google

Whereas on February 7, 1913, a contract was entered into between the United States, represented by I. W. Littell, colonel, Quartermaster Corps, United States Army, and The Shaghai Dock and Engineering Company, Limited (hereinafter designated as contractor), for furnishing all labor and material and constructing one (1) steel collier, length over all 362 feet; length between perpendiculars 350 feet; breadth moulded 50 feet; depth 28 feet; and delivering same at Manila, P. I., in Manila Bay, in which stipulation was made for completion of the work on or before June 7, 1914:

And whereas the progress of the work has been such that the contractor is now unable to complete the same within the stipulated time, and as it appears that an extension of time to December 15, 1914, upon the provisions hereinafter specified, will not be prejudicial to the interests of the United States;

Now, therefore, it is hereby agreed between the parties to said contract that the time limit thereof shall be extended to December 15, 1914, and that the work remaining to be performed shall be carried on with dispatch and be completed at the earliest practicable date within the extended time limit: *Provided*, That the cost of inspection and other additional expenses and damages (including any loss or damage to the work under construction by fire or other causes) to the United States from and after the date originally fixed for completion until the work shall have been satisfactorily accomplished, except in so far as the same may arise from delays for which the United States is responsible, as determined in each of these particulars by the officer in charge or higher authority, shall be charged to the contractor and may be deducted from any money due or to become due said contractor; that the United States shall also have the right to take the work from the contractor whenever, in the opinion of the officer in charge, reasonable and satisfactory progress is not being made, and to secure completion (having the right to use the contractor's materials and appliances on the reservation for that purpose) at the expense of the contractor, including charges as above on account of delays; and that in all other respects the stipulations of said original contract, as modified by supplementary agreement dated May 30, 1914, shall remain in full force and effect.

This agreement shall be subject to approval of the commanding general, Philippine Department; and such approval when given shall relate back and be construed as operative from the date specified in this contract as the date of its execution, and the rights of the parties shall be determined accordingly.

Witness our hands this 31st day of October, 1914.

THE UNITED STATES,
By JNO. T. KNIGHT, *Colonel, Quartermaster Corps, U. S. A.*
THE SHANGHAI DOCK AND ENGINEERING COMPANY, LIMITED,
By D. TURNBULL, *Attorney in fact.*

Witnesses:
PHILIP A. SCHOLL,
JAS. H. OSBORNE,

Digitized by Google

The undersigned surety to the bond pertaining to the above-described contract, dated February 7, 1913, assents to the foregoing modification and hereby agrees that said bond shall apply accordingly.

Witness our hands and seals this twentieth day of October, 1914.

INTERNATIONAL BANKING CORPORATION, [SEAL.]
By W. H. OGLE, *Attorney in fact.*

In presence of—
W. D. WHITTEMORE.

HEADQUARTERS PHILIPPINE DEPARTMENT,
Manila, P. I., November 16, 1914.

Approved:
By command of Major General Barry.

JAMES B. ERWIN,
Adjutant General, Department Adjutant.

Erasure and correction of date in line 39 of face of this agreement was made before signing.

PHILIP A. SCHOLL as to
JNO. T. KNIGHT,
Colonel, Q. M. Corps, U. S. A.
J. D. BROWN as to
THE SHANGHAI DOCK AND ENGINEERING COMPANY, LIMITED,
By D. TURNBULL, *Attorney in fact.*

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF THE QUARTERMASTER CORPS,
Washington, August 6, 1914.

From: Office Quartermaster General.
To: Department quartermaster, Philippine Department, Manila, P. I.
Subject: Supplemental agreement, Shanghai Dock & Engineering Co., May 30, 1914.

1. The above-named supplementary agreement is returned herewith for correction. The assent of the surety gives date of contract as February 7, 1914. This should be February 7, 1913.

By direction:

H. L. ROGERS,
Colonel, Quartermaster Corps.

[First indorsement.]

HEADQUARTERS PHILIPPINE DEPARTMENT,
OFFICE DEPARTMENT QUARTERMASTER,
Manila, September 9, 1914.

To QUARTERMASTER GENERAL OF THE ARMY,
Washington, D. C.:

1. Corrected in accordance with the foregoing instructions, correction being certified to by W. H. Taylor, one of the attorneys mentioned in the power of attorney, copy of which was filed with the original bond.

JNO. T. KNIGHT,
Colonel, Quartermaster Corps.

Digitized by Google

Whereas on February 7, 1913, a contract was entered into between the United States, represented by I. W. Littell, colonel, Quartermaster Corps, U. S. Army, and The Shanghai Dock & Engineering Company, Limited (hereinafter designated as contractor), for furnishing all labor and material and constructing one (1) steel collier, length over all 362 feet, length between perpendiculars 350 feet, breadth moulded 50 feet, depth 28 feet, and delivering same at Manila, P. I., in Manila Bay, in which stipulation was made for completion of the work on or before June 7, 1914;

And whereas the progress of the work has been such that the contractor is now unable to complete the same within the stipulated time, and as it appears that an extension of time to October 7th, 1914, upon the provisions hereinafter specified, will not be prejudicial to the interests of the United States;

Now, therefore, it is hereby agreed between the parties to said contract that the time limit thereof shall be extended to October 7th, 1914, and that the work remaining to be performed shall be carried on with dispatch and be completed at the earliest practicable date within the extended time limit: *Provided*, That the cost of inspection and other additional expenses and damages (including any loss or damage to the work under construction by fire or other causes) to the United States from and after the date originally fixed for completion until the work shall have been satisfactorily accomplished, except in so far as the same may arise from delays for which the United States is responsible, as determined in each of these particulars by the officer in charge or higher authority, shall be charged to the contractor, and may be deducted from any money due or to become due said contractor; that the United States shall also have the right to take the work from the contractor whenever, in the opinion of the officer in charge, reasonable and satisfactory progress is not being made, and to secure completion (having the right to use the contractor's materials and appliances on the reservation for that purpose) at the expense of the contractor, including charges as above on account of delays; and that in all other respects the stipulation of said original contract shall remain in full force and effect.

This agreement shall be subject to approval of the commanding general, Philippine Department; and such approval when given shall relate back and be construed as operative from the date specified in this contract as the date of its execution, and the rights of the parties shall be determined accordingly.

Witness our hands this 30th day of May, 1914.

THE UNITED STATES,
By JNO. T. KNIGHT,
Colonel, Quartermaster Corps, U. S. A.
THE SHANGHAI DOCK & ENGINEERING COMPANY, LIMITED,
By D. TURNBULL,
Attorney in fact.

Witnesses:
PHILIP A. SCHOLL,
R. G. FRANCE.

The undersigned surety to the bond pertaining to the above-described contract, dated February 7th, 1913, assents to the foregoing

Digitized by Google

modification and hereby agrees that said bond shall apply accordingly.

Witness our hands and seals this 12th day of June, 1914.

INTERNATIONAL BANKING CORPORATION,
By M. MANSHAR,
Attorney in fact.

In presence of—
ALLISON,
W. S. YAEGER, Jr.

Correction of date to 1913, line two, above assent, made by surety.

INTERNATIONAL BANKING CORPORATION,
By W. H. OGLE,
Attorney in fact.

HEADQUARTERS PHILIPPINE DEPARTMENT,
Manila, P. I., June 22, 1914.

Approved:
By command of Major General Barry:

H. P. MCCAIN,
Adjutant General, Department Adjutant.
J. M. B.

HEADQUARTERS PHILIPPINE DEPARTMENT,
OFFICE OF DEPARTMENT QUARTERMASTER,
Manila, P. I., September 19, 1914.

From: Department quartermaster.
To: Quartermaster General of the Army, Washington, D. C.
Subject: Photograph of collier.

1. Herewith is photograph of the collier under construction for this department at Shanghai, China, for his information.

JNO. T. KNIGHT,
Colonel, Quartermaster Corps.

SEPTEMBER 19, 1914.

DEPARTMENT QUARTERMASTER,
Care of Quartermaster General of the Army,
Washington, D. C.:

1. Herewith is photograph of the collier under construction for this department at Shanghai, China, for his information.

JNO. T. KNIGHT,
Colonel, Quartermaster Corps.

HEADQUARTERS PHILIPPINE DEPARTMENT,
OFFICE OF DEPARTMENT QUARTERMASTER,
Manila, P. I., January 4, 1915.

From: Department quartermaster.
To: Quartermaster General of the Army, Washington, D. C.
Subject: United States Army collier *No. 1.*

1. Herewith is a photograph of the United States Army collier *No. 1*, taken December 1, now under construction under contract

Digitized by Google

with the Shanghai Dock & Engineering Co., Ltd., dated February 7, 1913.

JNO. T. KNIGHT,
Colonel, Quartermaster Corps.

(Filed in "miscellaneous" drawer.)

HEADQUARTERS PHILIPPINE DEPARTMENT,
OFFICE OF DEPARTMENT QUARTERMASTER,
Manila, P. I., March 16, 1915.

From: Department Quartermaster.
To: Quartermaster General of the Army, Washington, D. C.
Subject: Delay in completion of collier at Shanghai.

1. The inclosed cable correspondence is furnished you in explanation of the delay in completion of the steel collier under construction by the Shanghai Dock & Engineering Co. (Ltd.), Shanghai, China, under contract dated February 7, 1913. Letter of January 27, referred to in cablegram of March 12, was forwarded to your office by indorsement of February 11, 1915.

JOHN T. KNIGHT,
Colonel, Quartermaster Corps.

[Cablegram received.]

SHANGHAI, *January 5, 1915.*

DEPARTMENT QUARTERMASTER,
Manila:

Have been notified by company will be ready for trial trip January 21.

HARDIN.

[Cablegram sent.]

MANILA, *January 6, 1915.*

Capt. HARDIN,
Shanghai:

You and civilian assistant will represent Quartermaster's Department in trial trip.

KNIGHT.

[Cablegram received.]

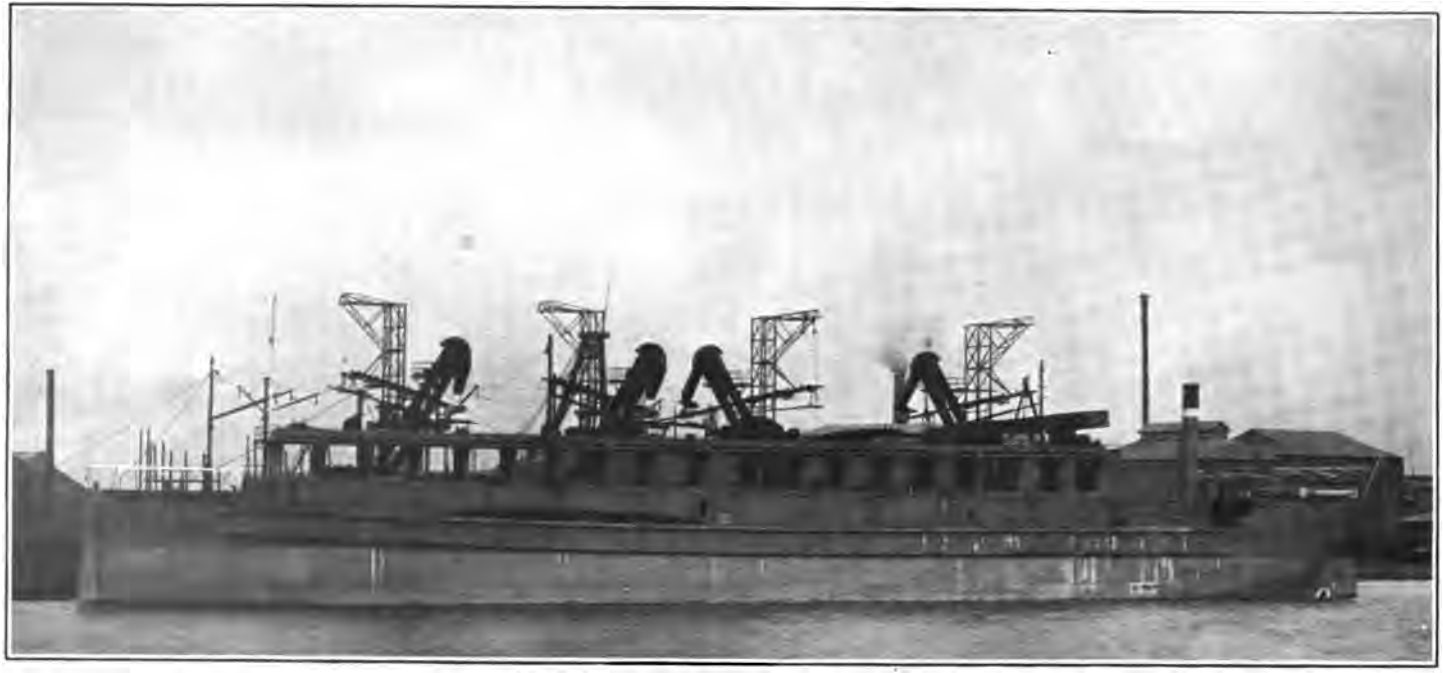
SHANGHAI, *January 21, 1915.*

DEPARTMENT QUARTERMASTER,
Manila:

Began discharging tests to-day. Owing to accident to machinery tests will be delayed about two days.

HARDIN.

Digitized by Google



ARMY COLLIER NO. 1.

Digitized by Google

Digitized by Google

[Cablegram received.]

SHANGHAI, *January 24, 1915.*

DEPARTMENT QUARTERMASTER,
Manila:

Am of the opinion that accident was result of structural weakness discharging machinery, which must be remedied. Full report by mail.

HARDIN.

[Cablegram received.]

SHANGHAI, *March 12, 1915.*

DEPARTMENT QUARTERMASTER,
Manila:

With reference to my letter of January 27, repairs are completed. Other weakness has been developed and is now being investigated.

HARDIN.

[Cablegram received.]

SHANGHAI, *March 15, 1915.*

DEPARTMENT QUARTERMASTER,
Manila:

Before altering the machinery must be made. The necessary plans are now being made, and as soon as completed will submit full report by mail.

HARDIN.

SHANGHAI, CHINA, *March 20, 1915.*

From: Capt. J. S. Hardin, Quartermaster Corps.
To: The department quartermaster, Manila, P. I.
Subject: Coal elevators.

1. In reference to cablegram of March 15, I have not been able to learn what steps will be taken to overcome the defect.

2. Although the elevators are being worked to some extent daily, I am convinced by the delays since March 8, caused by links bending and breaking, that satisfactory service can not be obtained until the defect is overcome by at least substituting stronger links for the ones now in use.

3. A marked photograph is inclosed showing the seat of trouble.

4. As soon as I can get information as to their plans for overcoming this weakness I will forward same to the department quartermaster.

JOS. S. HARDIN.

[First indorsement.]

HEADQUARTERS PHILIPPINE DEPARTMENT,
OFFICE DEPARTMENT QUARTERMASTER,
Manila P. I., April 1, 1915.

To QUARTERMASTER GENERAL OF THE ARMY,
Washington, D. C.:

1. For his information, reference contract with Shanghai Dock & Engineering Co., Ltd., dated February 7, 1913.

JNO. T. KNIGHT,
Colonel, Quartermaster Corps.

Digitized by Google

SHANGHAI, *January 27, 1915.*

The CHIEF QUARTERMASTER,
United States Army, Philippines Division, Manila, P. I.
(Through Capt. J. S. Hardin.)

SIR: Re United States Army collier *No. 1.* As intimated in our letter of the 16th ultimo, we started the trials of the patent coal elevators on the 21st instant and everything at the commencement worked entirely satisfactory and the output in excess of the guarantee; after working some time one or two of the backs of the buckets showed signs of springing and caused two links to be torn away from the buckets, thus necessitating a stoppage. On the following day we tried another elevator and some of the buckets showed the same sign of weakness. Those buckets, we may mention, are guaranteed by the patentees and made by one of the largest and best known makers of elevating machinery in England, but rather than run any undue risks and in order to have everything to the satisfaction of the owners and, ourselves, we decided to discontinue the trials until we strengthened the parts showing weakness and hope by working night and day to be able to advise you shortly when we will be able to continue the trials.

In the meantime, in order to have as little delay as possible, we are arranging to take the vessel out to the measured mile and run the steaming trial. We assure you that we much regret the delay with elevator trials and trust you will realize it is entirely beyond our control.

We remain, sir,
Yours, faithfully,

THE SHANGHAI DOCK & ENGINEERING CO. (LTD.),
W. S. BURNS, *Manager.*

[First indorsement.]

SHANGHAI, CHINA, *January 30, 1915.*

To the DEPARTMENT QUARTERMASTER,
Manila, P. I.:

1. Forwarded inviting attention to report dated January 27, 1915.

JOS. S. HARDIN,
Captain, Quartermaster Corps.

[Second indorsement.]

HEADQUARTERS PHILIPPINE DEPARTMENT,
OFFICE DEPARTMENT QUARTERMASTER,
Manila, P. I., February 11, 1915.

To QUARTERMASTER GENERAL OF THE ARMY,
Washington, D. C.:

1. For his information.
2. The contractors have been requested to rectify the defective discharging apparatus and turn over the collier at the earliest date practicable.

JNO. T. KNIGHT,
Colonel, Quartermaster Corps,
By M. GRAY ZALINSKI,
Lieutenant Colonel, Quartermaster Corps.

Digitized by Google

GRAB BUCKET OF ELEVATING GEAR.

Digitized by Google

BACK VIEWS OF GRAB BUCKET; "A" INDICATES WHERE SAME RESTS ON 2-B; 3 INDICATES BREAK.

Digitized by Google

BACK OF GRAB BUCKET.

BROKEN GRAB BUCKET.

Digitized by Google

Digitized by Google

SHANGHAI, CHINA,
January 27, 1915.

From: Capt. J. S. Hardin, Quartermaster Corps.
To: The Department Quartermaster, Manila, P. I.
Subject: Test of coal elevators.

1. On January 21, during the test, and after running nine minutes, No. 4 elevator broke down. A similar breakdown occurred on January 22, after running No. 3 for 17 minutes.

2. No. 4 was discharging coal at the rate of 150 tons per hour when the breakdown occurred, and No. 3 at the rate of 130 tons per hour.

3. Both breakdowns occurred in the same way and under like conditions, except rate of discharge, and my conclusion that there is a structural weakness is based on these facts.

4. Photographs of the buckets are inclosed. No. 1, as marked (A), shows where the back of the bucket rests or works on No. 2 at (B). Nos. 3 and 4 show the break.

5. The contractors are now taking steps to reinforce the buckets. A sketch of the reinforced bucket will be forwarded later.

6. No information as to time required has been given me, but I am of the opinion that there will be a delay of from six weeks to two months.

JOS. S. HARDIN.

HEADQUARTERS PHILIPPINE DEPARTMENT,
OFFICE OF DEPARTMENT QUARTERMASTER
Manila, P. I., May 15, 1915.

From: Department Quartermaster.
To: Quartermaster General of the Army, Washington, D. C.
Subject: Correspondence relative delay in completion of steel collier at Shanghai.

1. The inclosed correspondence is furnished in explanation of the further delay in completion of the steel collier under construction by the Shanghai Dock & Engineering Co. (Ltd.), Shanghai, China, under contract dated February 7, 1913.

JNO. T. KNIGHT,
Colonel, Quartermaster Corps.

SHANGHAI, CHINA,
May 6, 1915.

From: Capt. J. S. Hardin, Quartermaster Corps.
To: Department Quartermaster, Manila, P. I.
Subject: United States Army Collier *No. 1.*

1. Letter from the Shanghai Dock & Engineering Company with copies of cablegrams inclosed herewith.

2. It will take at least two months to deliver the parts of machinery in Shanghai, and six weeks for installation after receipt, so with no delays in shipment installation, or trials the collier can not be delivered until after the typhoon season is over.

J. S. HARDIN.

Digitized by Google

THE SHANGHAI DOCK & ENGINEERING CO. (LTD.),
Shanghai, China, May 6, 1915.

Capt. J. S. HARDIN,
Quartermaster, United States Army.

DEAR SIR: We inclose herewith copy of telegram just received from our London agents regarding the elevating machinery of the U. S. A. T. collier, from which you will see that the makers are making the necessary alterations. The only difficulty now is the question of time and we are wiring our agents for estimated date of shipment, working night and day, and immediately we have any reply will communicate with you.

We remain, dear sir, yours, faithfully,

THE SHANGHAI DOCK & ENGINEERING CO. (LTD.),
JAS. H. OSBORNE,
Secretary.

[Telegram.]

From H. J. Stockton & Co., London.
To The Shanghai Dock & Engineering Co. (Ltd.).
Dated May 1, 1915.

[Translation.]

Refletant Monday.
Will telegraph the result as soon as possible Monday.

To H. J. Stockton & Co., 16 Philpot Land, London, E. C.
From The Shanghai Dock & Engineering Co. (Ltd.).
Dated April 29, 1915.

[Translation.]

Acuarcias, reflectir, tageslauf, addoglia, owners, idomele, decido, eleccion, reply.

We are very anxious to know what is the result of the inquiry as per our telegram of 15th day of April; owners are getting very impatient in consequence of unexpected delay; when may we expect reply.

From Messrs. H. J. Stockton & Co., London.
To The Shanghai Dock & Engineering Co. (Ltd.).
Dated May 5, 1915.

After discussing details with consulting engineer, Spencers have entirely reconsidered elevator design. They will send four new shafts 1 inch greater diameter, high tensile forgings already made; also send new steel and iron castings required for bigger shafts, also complete new sets links and pine of larger size high tensile with larger bolts to connect to buckets. Consulting engineer approves; considers these measures, combined with bucket alterations already made, should prove quite satisfactory. Spencers realize urgency, promise lose no time.

STOCKTON.

Digitized by Google

SHANGHAI, CHINA, *April 30, 1915.*

From: Captain J. S. Hardin, Quartermaster Corps.
To: The Department Quartermaster, Manila, P. I.
Subject: United States Army collier No. 1.

1. Upon investigation only two shipbuilding firms with docks capable of accommodating the collier could be found, the New Engineering & Shipbuilding Works and The Kiangnan Engineering & Dock Co., the latter controlled and operated by the Chinese Government.

2. All these firms have about the same class of equipment and labor with the advantage in favor of the present contractors in having foremen and laborers who have been working with this machinery for about seven months, and it is not believed that a change will insure earlier completion.

3. In case a change is made attention is invited to the existing political situation in consideration of the Kiangnan Dock Co.

[Cablegram received.]

SHANGHAI, *April 13, 1915.*

DEPARTMENT QUARTERMASTER,
Manila:

With reference to my letter of 9th, no progress is being made with work. Character of work will require more powerful machinery. Contractors await instructions from makers.

HARDIN.

[Cablegram sent.]

MANILA, *April 17, 1915.*

Capt. HARDIN, *Shanghai:*

What is the present status of collier? Contract long overdue. When will delivery be made?

KNIGHT.

[Cablegram received.]

SHANGHAI, *April 18, 1915.*

DEPARTMENT QUARTERMASTER,
Manila:

Have no definite information from contractors when collier will be ready for delivery. Contractors promise to furnish something definite within a few days. Practically everything is complete except elevators. In my opinion, collier will not be ready for delivery under 10 months. Full report by mail.

HARDIN.

[Cablegram sent.]

MANILA, *April 28, 1915.*

Capt. HARDIN, *Shanghai:*

Should department take action authorized in article 6, contract, ascertain and report names any firms capable of pushing collier

Digitized by Google

to early completion. If size all buckets are reduced, thereby lessening weight, do you think machinery would operate satisfactorily, rate of discharge being reduced?

KNIGHT.

[Cablegram received.]

SHANGHAI, *April 30, 1915.*

DEPARTMENT QUARTERMASTER,
Manila:

Weight and capacity would be reduced by removing every other bucket. Do not think machinery would be entirely satisfactory then. Other firms, Kiangnan Dock Co., under Chinese Government control, and new engineering and shipbuilding works. Letter following.

HARDIN.

[Cablegram sent.]

MANILA, *May 6, 1915.*

Capt. HARDIN, *Shanghai:*

Would interests of the Government be any better subserved by taking possession collier and bringing here? Have you submitted to contractors idea reduction in size buckets? Removing alternate buckets does not reduce strain on individual buckets that now show weakness. Reply by letter fully.

KNIGHT.

HEADQUARTERS PHILIPPINE DEPARTMENT,
OFFICE OF DEPARTMENT QUARTERMASTER,
April 22, 1915.

Memorandum for Department Quartermaster.

1. With reference to cablegram recently received from Shanghai in connection with delivery of collier being constructed by the Shanghai Dock & Engineering Co. (Ltd.), attention is invited to the fact that the contract for this collier was entered into on the 7th of February, 1913, delivery to be within 16 months, or June 7, 1914. The contract has been extended from time to time, but still remains unfulfilled. In the meantime the Government has paid the contractors $259,037, and further is very frequently put to additional expense through the hiring of extra lighterage for handling coal and other supplies, which would not be necessary had the collier been delivered on time.

2. It would seem that the repeated unsuccessful trials, especially of elevators, indicate the necessity for structural changes, and it is suggested that it would be well to have a board convened to look into this matter and to also determine whether the best interests of the Government warrant the completion of the work by the contractors or the Government, the basis of settlement for services rendered, etc., in case the latter course might be determined upon.

H. J. GALLAGHER,
Major, Quartermaster Corps.

Digitized by Google

HEADQUARTERS PHILIPPINE DEPARTMENT,
OFFICE OF DEPARTMENT QUARTERMASTER,
April 29, 1915.

Memorandum for Depot Quartermaster.

1. To note and return.

By direction of department quartermaster.

C. H. MCNEIL,
Major, Quartermaster Corps.

[Indorsement.]

OFFICE DEPARTMENT QUARTERMASTER,
Manila, April 30, 1915.

To DEPARTMENT QUARTERMASTER:

1. Returned. Reference paragraph No. 4 of this letter, it is not understood whether Capt. Hardin means that there will be a further delay of 10 months in the completion and delivery of the collier. There has already been a delay of 10 months.

H. J. GALLAGHER,
Major, Quartermaster Corps.

SHANGHAI, CHINA, *April 19, 1915.*

From: Capt. J. S. Hardin, Quartermaster Corps.
To: Department quartermaster, Manila.
Subject: Report on collier *No. 1.*

1. In reference to cablegram of March 18 the following report is submitted:

On November 23 the main engine and air pump were tried, and on December 23 the dynamo.

Since December 23 practically all the work on the collier has been in connection with the coal elevators, the test of which on January 21 and 22 exposed a weakness of the buckets.

From January 22 to March 8 was devoted to strengthening the buckets.

Since March 8 three broken shafts, seven broken links, and about twelve bent links have been taken out, with evidently about 30 per cent of the links more or less slightly bent but not removed.

2. Since the exposition of the weakness of the shafts it is not believed that the substititution of heavier links will effectually overcome the trouble, as this would give additional weight to be carried by the shafts and buckets.

3. It seems to me that the only way satisfaction can be obtained in the working of the machinery itself is to reconstruct the pentagon or tumbler to take the links, instead of having the driving force applied through the backs of the buckets.

If this is done the contractors will probably have the steel castings made in Hongkong or England, as they can not be made in Shanghai.

4. I believe there will be a delay of 10 months in the completion and delivery of the collier. The contractors promised something definite in a few days, as they are awaiting a reply to a cablegram sent by them to the makers of the machinery in England.

JOS. S. HARDIN.

Digitized by Google

HEADQUARTERS PHILIPPINE DEPARTMENT,
OFFICE OF DEPARTMENT QUARTERMASTER,
Manila, April 26, 1915.

Memorandum for depot quartermaster, Manila:

1. For remark and recommendation.

By direction of department quartermaster.

C. H. MCNEIL,
Major, Quartermaster Corps.

OFFICE OF DEPOT QUARTERMASTER,
Manila, April 26, 1915.

Memorandum for Mr. Wormwood:

1. Please go over these papers carefully, also my memorandum of April 22, and submit remarks.

2. Judging from paragraph No. 4 of Captain Hardin's letter of April 9, it certainly looks as though something should be done very promptly in connection with this collier.

H. J. G.,
Major, Quartermaster Corps.

OFFICE OF DEPOT QUARTERMASTER,
Manila, April 28, 1915.

Memorandum for depot quartermaster:

1. In compliance with instructions contained in attached memorandum of April 25, 1915, will say that I have looked over all the papers in connection with building of the collier and do not find any data that would warrant my making any further remarks, except I concur with the statement, paragraph 2 in the above memorandum, viz, "That something should be done promptly in the matter." It would certainly seem that the contractors could furnish the officer in charge with more definite information as to when delivery of the collier in question can be made.

C. P. WORMWOOD,
Superintending Engineer, Quartermaster Corps.

OFFICE OF DEPOT QUARTERMASTER,
Manila, April 28, 1915.

Memorandum for department quartermaster:

1. Returned, inviting attention to memorandum from this office of April 22. The accompanying letters of Capt. Hardin emphasize, in my opinion, the necessity of having a board convened to go into this matter. Nearly $260,000 of Government money is tied up; this very day it has been necessary to hire two extra lighters to handle cargo at this depot, which extra expense would not have been necessary had the collier been delivered on time; the contract is nearly 10 months overdue with no definite prospects of completion.

2. Judging from the tone of Capt. Hardin's letters, he is not very optimistic as to the outlook.

H. J. GALLAGHER,
Major, Quartermaster Corps.

Digitized by Google

SHANGHAI, CHINA, *April 22, 1915.*

From: Capt. J. S. Hardin, Quartermaster Corps.
To: Department Quartermaster, Manila.
Subject: Collier *No. 1.*

1. Letter from the Shanghai Dock & Engineering Co., with copies of cablegrams inclosed.

As to date of completion and delivery of collier nothing has been learned, but immediately upon receipt of any information the same will be reported to the department quartermaster.

2. The work on collier is practically at a standstill.

JOS. S. HARDIN.

[Telegram.]

From: Messrs. H. J. Stockton & Co., London.
To: The Shanghai Dock & Engineering Co. (Ltd.).
Dated: April 20, 1915.

SHANGHAI DOCK CO., *Shanghai:*

Imperlato consulting engineer.

[Translation.]

Do you still insist upon consulting engineer?

STOCKTON.

[Telegram.]

To: Messrs. H. J. Stockton & Co., 16 Philpot Lane, London.
From: The Shanghai Dock & Engineering Co. (Ltd.).
Dated: April 20, 1915.

Inzavorra haderhaft cervettino.

[Translation.]

Act in accordance with our telegram (of) as quickly as possible. Telegraph the result of the consultation.

U. S. ARMY TRANSPORT COLLIER NO. 1.

THE SHANGHAI DOCK & ENGINEERING CO.,
Shanghai, April 21, 1915.

Capt. J. S. HARDIN,
Quartermaster, United States Army.

DEAR SIR: With reference to our letter of the 5th inst., wherein we stated that we were renewing the defective parts of the elevators which gave trouble, also that we thought it advisable to run the gear continuously for a week before fixing the date for the official trial, we would say that we carried out the necessary renewals, but on running a preliminary trial with the other elevators two additional

Digitized by Google

shafts showed signs of fracture, and we considered the position so serious that we immediately wired our agents as follows—

Three elevator tumbler shafts broken, position very serious, ask Spencer what they intend doing, and reply immediately by wire—

and received a reply stating that Messrs. Spencer & Co. were arranging to supply new shafts of the same diameter as before made of steel of higher tensile strength; this we did not consider at all satisfactory and wired our agents again on the 15th inst., as follows:

Engage best consulting engineer procurable, and if necessary consult presidents of Civil and Mechanical Engineers, to go thoroughly into question of strength with Spencer of all parts of elevating machinery; three tumbler shafts and seven bucket links broken; others bending during trials; buckets have been strengthened; Spencer's proposal to send new shafts of higher tensile steel unsatisfactory; wire particulars and recommendations.

About two days after dispatching the above cable we received a communication from Messrs. Spencer & Co.—through their representative here—offering to increase the shafts by 1 inch, but we refused to entertain this proposition as a solution of the troubles, as we considered it necessary to have the whole matter gone into thoroughly and quickly by the best experts available before making any further statements as to completion of vessel.

The ship itself has all been completed some time ago, and we have no doubt about the elevators being fixed up entirely satisfactory before they leave our hands, but until we get the information from London it is difficult to state the exact date.

With patent machinery of this nature we are entirely in the hands of the patentees and makers, and we are sparing neither trouble nor expense to get everything entirely satisfactory and regret the delay very much.

We are bringing all pressure possible on the makers to hasten any new parts decided on and will carry out as much as possible at our own works, working night and day, till completion.

We remain, dear sir,

Yours, faithfully,

THE SHANGHAI DOCK & ENGINEERING CO. (LTD.),
W. S. BURNS, *Manager.*

SHANGHAI, CHINA, *April 9, 1915.*

From: Capt. J. S. Hardin, Quartermaster Corps.
To: The department quartermaster, Manila, P. I.
Subject: Collier No. 1.

1. In reference to letter of April 6, and photographs inclosed therewith, another breakdown similar to the one shown in the picture has occurred.

2. While none of the breakdowns, except the ones on January 21 and 22, happened on official trials, still from observation I am convinced that this discharging machinery will not give satisfactory service.

3. In overcoming the weakness developed on January 21 and 22, the weight of each bucket was increased from 2,651 pounds to 3,481 pounds or 83 pounds per bucket, which gives for each elevator of 105 buckets an additional weight of 8,715 pounds.

Digitized by Google

This additional weight, in my opinion, is developing the other weak points which will have to be overcome effectually by the substitution of other machinery.

4. As to what steps are contemplated inquiries are made daily, but the information received is as unsatisfactory as the letter inclosed in communication of April 6; but it is not believed that the contractors themselves entertain much hope of the eventual successful working of the machinery now installed.

JOS. S. HARDIN.

SHANGHAI, CHINA, *April 6, 1915.*

From: Capt. J. S. Hardin, Quartermaster Corps.
To: The department quartermaster, Manila, P. I.
Subject: Completion of collier.

1. Inclosed is a communication addressed to the Shanghai Dock & Engineering Co. (Ltd.), with the reply thereto.

2. The contractors have been working the machinery to some extent since March 8, date of completion of repairs reported as necessary in letter of January 27; and from the record of delays caused by links bending and breaking, it is not believed that the system will give satisfaction until this defect is overcome by the substitution of more substantial links, if then.

And this substitution will cause a further delay of at least two months in the delivery of the collier.

Delays from other breakdowns, as shown by inclosed photographs of a broken shaft, are not taken into consideration in the above.

3. The contractors were informed as to my opinion of the necessity of substituting more substantial links for the ones now in use, and they were also asked as to the time necessary to make the substitution.

4. To date the machinery has given evidence of being anything but satisfactory. Reference to delays caused by defects, etc., will be made in final report.

5. If the machinery proves a total failure, it is not believed the collier can be delivered under 10 or 12 months.

JOS. S. HARDIN.

COMPLETION OF COLLIER.

THE SHANGHAI DOCK & ENGINEERING CO. (LTD.),
Shanghai, April 5, 1915.

Capt. J. S. HARDIN,
Quartermaster, United States Army.

DEAR SIR: In reply to your favor of the 24th ultimo we beg to state that we are busy renewing the defective parts of the elevators which gave trouble and expect to have everything finished by the end of next week.

We think it advisable to run the gear continuously for a week to prove everything satisfactory before fixing the date for the official

Digitized by Google

trial, which we will hasten as much as possible, and trust all will be satisfactory.

We remain, dear sir,

Yours, faithfully,

THE SHANGHAI DOCK & ENGINEERING CO. (LTD.),

(Sgd.) W. S. BURNS, *Manager.*

SHANGHAI, CHINA, *March 24, 1915.*

From: Capt. J. S. Hardin, Quartermaster Corps.
To: The Shanghai Dock & Engineering Co. (Ltd.).
Subject: Completion of collier.

1. In reference to the defect developed in the elevators in the form of some links bending and breaking I stated in a cablegram on March 15th to the department quartermaster, "The necessary plans are now being made." (This referring to the steps I was informed were being taken to overcome the defect in the system.)

2. On March 20th this cablegram was followed by a letter stating that I had no information as to steps to be taken to overcome this defect.

3. In view of the above and the fact that the United States Government is being put to extra expense and the department to no little inconvenience in making temporary arrangements for handling coal in Manila, information is requested as to what steps are being taken to overcome the defect referred to above and also as to what date the department quartermaster can expect completion and delivery of collier.

4. Attention is invited to letter of your office dated December 16, 1914.

JOS. S. HARDIN.

HEADQUARTERS PHILIPPINE DEPARTMENT,
OFFICE OF DEPARTMENT QUARTERMASTER,
Manila, P. I., January 14, 1916.

From: Department quartermaster.
To: Quartermaster General of the Army, Washington, D. C.
Subject: Hoisting apparatus for our collier at Shanghai.

1. Attention invited to inclosed copy of cablegram just received from the contractor at Shanghai regarding delivery of hoisting apparatus for our new collier.

2. The collier is useless to us without this apparatus, as material alterations would be necessary in order to improvise hoisting by direct lift of baskets.

3. The part now due is the pentagon over which the endless bucket carrier moves. It is patented and therefore can not be made except by patentees. Every effort has been made from here to secure this part and, although delivery was promised last August, delays from various causes have arisen.

4. It now appears that two years will nearly have elapsed since delivery of this collier was due.

This for your information.

JNO. T. KNIGHT,
Colonel, Quartermaster Corps.

Digitized by Google

[Cablegram received.]

Shanghai, January 13, 1916.
Hongkong, January 13, 1916, 5/5 p. m.
Received Manila 5.51 p. m., January 13, 1916.

Col. KNIGHT,
Manila.

Government delayed shipment till January; letter follows with details.

FARNHAM.

FEBRUARY 24, 1916.

Quartermaster General.
Department quartermaster, Manila, P. I.
Hoisting apparatus for collier.

1. Referring to your letter of January 14, 1916, regarding hoisting apparatus for collier *No. 1*, attention is invited to the following quoted remarks of this office in fourth indorsement, of November 3, 1915, No. 319.12:

With reference to the collier under construction in China, it is suggested that the remarks and recommendations of the commanding general, Philippine Department, be obtained with reference to applying part or all of the remaining balance withheld from contractors toward the supply and installation of coaling apparatus of domestic manufacture in the United States.

2. As no reply has ever been received to that suggestion, the views and recommendations of the department quartermaster are desired, with the object of providing suitable coal-handling machinery for the new collier at the earliest practicable date.

By direction of the Quartermaster General:

CHAUNCEY B. BAKER,
Lieutenant Colonel, Quartermaster Corps.

JUNE 1, 1916.

Department quartermaster, Manila, P. I.
Hoisting apparatus for collier.

1. Referring to office letter of February 24, 1916, this file, relative to hoisting apparatus for collier *No. 1*, you are informed that reply to same has never been received, so far as the records of this office indicate, and it is desired that the views and recommendations of the department quartermaster, as called for in letter above referred to, be submitted at the earliest practicable date.

By direction of the Quartermaster General:

CHAUNCEY B. BAKER,
Lieutenant Colonel, Quartermaster Corps.

HEADQUARTERS PHILIPPINE DEPARTMENT,
OFFICE OF DEPARTMENT QUARTERMASTER,
Manila, P. I., February 25, 1916.

From: Department quartermaster.
To: Quartermaster General of the Army, Washington.
Subject: Hoisting apparatus for Quartermaster Corps collier.

1. In connection with my letter of January 14, I inclose herewith copy of communication from the contractors, of the 2d instant, from

Digitized by Google

which it appears that there is no early prospect of the installation of hoisting apparatus and completion of vessel.

JNO. T. KNIGHT,
Colonel, Quartermasters Corps.

SHANGHAI, *February 2, 1916.*

Col. KNIGHT,
Quartermaster Corps, United States Army,
Philippine Division, Manila, P. I.

SIR: With reference to our exchange of telegrams regarding the coal-elevating machinery for the United States Army collier *No. 1*, we beg to inclose herewith copy of the latest correspondence exchanged with our London agents on the matter, from which you will see that every possible pressure has been put on the makers to expedite delivery of the gear, but unfortunately they have been still further delayed, owing to the demands of the British Government, to which, of course, they are forced to give preference. You will also notice that we offered to machine the gear at our works in Shanghai in order to save any delay, but the makers did not consider it necessary, as apparently the gear for the first elevator was well under way. Our inspectors in London, Messrs. Moncrieff and Warren, visited the makers' works on the 29th December and confirm their statement, and we hope to advise soon that the gear is well on its road to Shanghai, when we will communicate with you again.

We regret very much the continued delay and will lose no time in getting on with the completion as soon as we have the material at hand.

We remain, sir,
Yours, faithfully,
THE SHANGHAI DOCK & ENGINEERING CO. (LTD.),
W. S. BURNS, *Manager.*

COPY OF CORRESPONDENCE EXCHANGED WITH MESSRS. H. J. STOCKTON & CO., LONDON, REGARDING COAL-ELEVATING MACHINERY FOR UNITED STATES ARMY COLLIER "NO. 1."

[Copy of telegram dispatched to London Dec. 6, 1915.]

Telegraph shipment collier machinery.

[Copy of reply received by telegraph on Dec. 9, 1915.]

Collier can not promise shipment exceptionally difficult conditions doing best.

[Copy of telegram dispatched to London Dec. 22, 1915.]

Collier if early shipments prospects unfavorable telegraph opinion (re) if we can complete one set here for trials.

Digitized by Google

[Copy of reply received by telegraph on Dec. 30, 1915.]

Collier you may fully expect one set shipment per steamer during January.

[Extracts from Messrs. H. J. Stockton & Co.'s shipping lists, dated Nov. 5, 12, and 26.]

COLLIER: Not sufficient material ready yet to make a shipment.
COLLIER: We have nothing further to add to our last.
COLLIER: Messrs. Spencer report as follows: "The work has been proceeding very slowly owing to urgent war work. We can not at the moment make any date when the first consignment will be complete ready for dispatch."

[Copy of Messrs. H. J. Stockton & Co.'s letter, dated Dec. 9, 1915, received Jan. 10, 1916.]

ELEVATING GEAR FOR COLLIER.

We last wrote you regarding this matter on the 14th October (No. 1436), advising that little progress had been made with this plant since August. We have since informed you in our shipping lists dated 5th, 12th, and 26th November that the work has been proceeding very slowly owing to urgent war work, and that Messrs. Spencer stated they could not yet make any promise when the first consignment would be ready for dispatch.

On the 7th instant we received your cablegram translating from Bentley's Code:

Riusd. Collier.
Telegraph what shipment. Collier.

We immediately retelegraphed this message to Messrs. Spencer & Co., and they replied on the 8th December as follows:

Can make no promise under exceptionally difficult conditions ruling, but are doing best we can.

We therefore dispatched the following deferred cablegram to you on the same day:

Collier can not promise shipment exceptionally difficult conditions doing best.

In confirming their telegram, Messrs. Spencer & Co. write:

We exceedingly regret the position, but we are helpless in the matter.

[Copy of Messrs. H. J. Stockton & Co.'s letter dated Dec. 30, 1915.]

Confirming our latest respects dated 9th instant (No. 1465), on the 23d instant we received your cablegram dated 22d instant, translating by Bentley's code as follows:

Crimb hyenf rityg olovd nidwoibsga cytaz novok cytaz nevok razuz hobta gifob utkop.
Collier if early shipment prospects unfavorable telegraph opinion if we can complete one set here for trials.

We at once telephoned Messrs. Spencer's works at Melksham, but found that they were closed and would not reopen until the 28th. Accordingly we cabled you on the 23d:

Telegram received; will reply as soon as possible after the holidays; works closed.

Digitized by Google

We sent a copy of your cablegram to Messrs. Spencer, and yesterday received the following reply:

Since last writing you (on the 8th instant) we have made really substantial progress on the first set of chain links and fittings, and unless something very special happens we see our way clear to dispatch the first set in a fortnight. As we have now all the jigs made for making the links and all the apparatus for preparing them, we do not really think there will be any substantial gain by our clients doing some of the machining.

We also sent a copy of your cablegram to Mr. Moncrieff, and he instructed Mr. Warren to visit Messrs. Spencer's works. Mr. Warren telegraphed yesterday confirming that there was every probability of the first set of new gears being completed in two weeks. We accordingly cabled you last evening as follows:

Crimb wulac fomso nevok razuz riyad.
Collier you may fully expect one set shipment per steamer during January.

Mr. Warren reports as follows:

The position at present is as follows:
"Two cast-steel disks practically finished.
"Two cast-steel blocks practically finished.
"Two hundred and fifty links bored and reamered at one end to suit pins, and about half of these beveled on side.
"Balance of links, upsetting completed, but not finished, joggling, nor holes bored and reamered.
"About another one hundred 2¼-inch diameter pins and washers practically completed.
"The whole of the material is in the shops with the exception of the four replace cast-steel block castings.
"It is very difficult to obtain these from the foundry, and they again wrote about these while I was at the works.
"I had a long conversation with Mr. L. Philip with reference to the completion of the first set, so that they may have some of the plant out to proceed with the work in Shanghai, and he assured me they would endeavor to have the first set completed and ready for my inspection before shipment in the course of the next two or three weeks. There would be no doubt of having it ready in the two weeks provided they had not to take this work off the machines for urgent Government work.
"Yours, faithfully,

War Department,
Office of the Quartermaster General of the Army,
Washington, February 24, 1916.

From: Quartermaster General.
To: Department Quartermaster, Manila, P. I.
Subject: Hoisting apparatus for collier.

1. Referring to your letter of January 14, 1916, regarding hoisting apparatus for collier *No. 1*, attention is invited to the following quoted remarks of this office in fourth indorsement of November 3, 1915, No. 319.12:

With reference to the collier under construction in China, it is suggested that the remarks and recommendations of the commanding general, Philippine Department, be obtained with reference to applying part or all of the remaining balance withheld from contractors toward the supply and installation of coaling apparatus of domestic manufacture in the United States.

2. As no reply has ever been received to that suggestion, the views and recommendations of the department quartermaster are desired

Digitized by Google

with the object of providing suitable coal-handling machinery for the new collier at the earliest practicable date.

By direction of the Quartermaster General:

CHAUNCEY B. BAKER,
Lieutenant Colonel, Quartermaster Corps.

[First indorsement.]

HEADQUARTERS PHILIPPINE DEPARTMENT,
OFFICE DEPARTMENT QUARTERMASTER,
Manila, June 1, 1916.

To the QUARTERMASTER GENERAL OF THE ARMY,
Washington, D. C.

1. It is not thought advisable to make any change in the coal-handling apparatus of the collier for the reason that it is of a special design, and it would occasion more delay to abandon the present machinery than it would to allow the contractor to proceed with the completion thereof.

2. Assistant Naval Constructor L. S. Border, United States Navy, who made an inspection of this collier, reports, under date of June 16, 1915, that it is impossible to utilize the naval coal-handling standard or any standard United States coal-handling apparatus for this ship without a great amount of structural changes.

3. The subject is receiving serious consideration, and a full report will be rendered in the near future.

M. GRAY ZALINSKI,
Colonel, Quartermaster Corps.

DEPARTMENT OF STATE,
Washington, June 23, 1916.

The honorable the SECRETARY OF WAR.

SIR: I have the honor to inclose, for an expression of your wishes, a copy of a letter addressed to this department by H. J. Stockton & Co. (Ltd.), of London, in behalf of the Shanghai Dock & Engineering Co. (Ltd.), of Shanghai, China, requesting this department to instruct the ambassador at London to obtain permission from the British Government for Messrs. Spencer & Co. (Ltd.), of Melksham, England, to supply the injured parts of certain elevating gears which they built for the harbor collier at Manila, belonging to the Philippine Government, contracted for by the above-named Shanghai Dock & Engineering Co. (Ltd.).

It appears that the works of Messrs. Spencer & Co. are controlled by the British Ministry of Munitions, and unless permission is given by the British Government they are unable to supply the broken-down portions of the elevating gear.

For the Secretary of State:

I have the honor to be, sir, your obedient servant,

FRANK LYON POLK,
Counselor.

Digitized by Google

H. J. STOCKTON & Co.,
16 Philpot Lane, London, May 30, 1916.

The SECRETARY OF STATE,
Department of State,
Washington, D. C., U. S. A.

DEAR SIR: We represent in London the Shanghai Dock & Engineering Co. (Ltd.), Shanghai, who built for your Government—Quartermaster Department, Manila, P. I.—a 6,000 harbor collier fitted with 4 sets of special gears for elevating and discharging coal to steamers.

These special elevating gears were supplied by Messrs. Spencer & Co. (Ltd.), Melksham, of this country, but at the official trials in January last year they broke down. New parts therefore had to be supplied, but Messrs. Spencer have not been able to make them, as their works are controlled by the Ministry of Munitions.

We inclose copy of letter dated Manila, 28th March, from Col. J. T. Knight, addressed to the Shanghai Dock & Engineering Co. (Ltd.), who have forwarded it to us with the request that we communicate with your ambassador here with a view to obtaining permission from the British Government for Messrs. Spencer to complete the repair work without further delay. We accordingly wrote to your embassy here and the secretary has replied that he can not, without instructions from you, make the desired request of the British Government. He suggests that we should address ourselves to you, which we accordingly now do, and should much esteem your assistance in this matter.

We are, dear sir,
Your obedient servants,

H. J. STOCKTON & Co. (LTD.),
H. J. STOCKTON,
Director.

DELIVERY OF COLLIER.

MARCH 28, 1916.

DEPARTMENT QUARTERMASTER,
Shanghai Dock & Engineering Co., Ltd., Shanghai, China.

GENTLEMEN: 1. As it is nearly two years since the expiration of your contract for the construction and delivery of the collier, and the need for this department for the collier is growing more urgent monthly, may I ask for a report from you upon the practicability of installing some other type of hoisting apparatus—even the use of individual buckets by direct hoist from the well.

2. It appears to this office that some drastic measure must be adopted in order to obtain the use of this collier and to save her deterioration by age.

Your prompt attention to this inquiry would be highly appreciated.

Respectfully,

JNO. T. KNIGHT,
Colonel, Quartermaster Corps, United States Army.

Digitized by Google

WAR DEPARTMENT,
OFFICE OF THE QUARTERMASTER GENERAL OF THE ARMY,
Washington, June 28, 1916.

CHIEF CLERK, QUARTERMASTER GENERAL OFFICE:

It is requested that the following cablegram be sent:

ZALINSKI,
Manila:

Do you recommend effort be made through State Department induce British Munitions Ministry permit Spencer Company, Melkham, England, supply elevating gears collier *Number One*, or do you favor supply required gear from United States?

SHARPE.

CHAUNCEY B. BAKER,
Lieutenant Colonel, Quartermaster Corps.

JUNE 29, 1916.

PRINCIPAL CLERK,
Transportation Division.

The above cable sent this date.

C. P. D.,
Chief Clerk.

JUNE 29, 1916.

ZALINSKI, *Manila.*

Do you recommend effort be made through State Department induce British munitions ministry permit Spencer Company, Melkham, England, supply elevating gears Collier No. One, or do you favor supply required gear from United States?

SHARPE.

[Cablegram received at the War Department.]

OFFICE OF THE QUARTERMASTER GENERAL,
Washington, July 1, 1916.

Cable Company No. 1 N. Y.
From Liggett, Manila.
To Quartermaster General.

Reference to your cablegram of June 29th, recommend effort to get elevating gear(s) from England be made; gears from United States would necessitate great amount structural changes.

To Col. Baker for instructions.

Mr. F. E. Kirby & Mr. Donnelly of N. Y. have the subject up with the Dept. Comdr. at Manila regarding the supply of American-made equipment for this collier.—G. A. A.

Can we do anything?

C. B. B.

Ask Manila if State Dept. shall try this request or do they wish domestic hoists from U. S.

Digitized by Google

JULY 3, 1916.

The honorable the SECRETARY OF STATE.

SIR: Referring to your letter of June 23, 1916, inclosing, for an expression of my wishes, a copy of letter addressed to your department by H. J. Stockton and Co., Ltd., of London, in behalf of the Shanghai Dock & Engineering Co., Ltd., of Shanghai, China, requesting your department to instruct the ambassador at London to obtain permission from the British Government for Messrs. Spencer & Co., Ltd., of Melksham, England, to supply the injured parts of certain elevating gears which they built for a harbor collier belonging to the Philippine Government, contracted for by the Shanghai Dock & Engineering Co., Ltd., you are advised that this department would greatly appreciate it if you would instruct the ambassador at London to use his good offices with the British ministry of munitions, with a view to obtaining, if possible, permission for Messrs. Spencer & Co., Ltd., to supply the gears in question.

It is further requested that this department be advised of the action of the British munitions ministry upon this request.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

DEPARTMENT OF STATE,
Washington, July 13, 1916.

The honorable the SECRETARY OF WAR.

SIR: The department has, in compliance with the request contained in your letter of the 3d instant, instructed the American ambassador at London to use his good offices with the British Government in order to obtain permission from the British ministry of munitions for Messrs. Spencer & Co., Ltd., to supply certain parts of special gears, for elevating coal to and discharging coal from steamers, which were built for the use of a harbor collier built by the Shanghai Dock & Engineering Co., Ltd., of Shanghai, for this Government's Quartermaster Department at Manila, Philippine Islands.

On receiving a reply from Mr. Page the department will again address you on the subject.

For the Secretary of State:
I have the honor to be, Sir,
Your obedient servant,

ALVEY A. ADEE,
Second Assistant Secretary.

O

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 1321.

NATIONAL GUARD DATA.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

RESPONSE TO CERTAIN INQUIRIES CONTAINED IN HOUSE RESOLUTION 323.

AUGUST 8, 1916.—Referred to the Committee on Military Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington, August 3, 1916.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: In response to House resolution 323, directing that the House of Representatives be furnished with certain information in regard to the National Guard now in the service of the United States, I have the honor to communicate to you the information desired, the questions in the resolution being stated herein and answered in their order.

First. How many troops of the National Guard are now in the service of the United States in compliance with the President's order of June 18, 1916?

Answer. The troops of the National Guard and Organized Militia in the service of the United States in compliance with the President's call of June 18 numbered, on July 25, 140,586. The figures available are compiled from various sources and can only be taken as a close approximation. Reports of strength on July 31 have not as yet been received.

Second. What is the prescribed war strength for the organizations called into the service of the United States by the above order?

Answer. The prescribed war strength for the organizations called into the service of the United States by the same order is 241,851.

Third. Have any organizations been accepted into the service of the United States whose strength fell short of the minimum prescribed peace strength? If so, was the minimum requirement waived by the President?

Digitized by Google

Answer. So far as known to this department no organizations have been accepted into the service of the United States whose strength fell short of the minimum prescribed peace strength, and this requirement has not been waived by the President.

It is to be remarked in connection with the foregoing that section 7 of the amended militia law of 1903 prescribes—

that every officer and enlisted man of the militia who shall be called forth in the manner hereinbefore prescribed shall be mustered for service without further enlistment, and without further medical examination previous to such muster, except for those States and Territories which have not adopted the standard of medical examination prescribed for the Regular Army.

In consequence of this provision of the law many organizations were mustered into the service of the United States whose personnel were not physically up to the required standard, because many of the States, though adopting the standard for the Regular Army, had not enforced it.

As an administrative measure, in order not only to protect the Government but to obtain men physically fit to undergo service, a physical examination was ordered to be held immediately after the muster in required. As a result of this examination the strength of many organizations fell below the minimum strength which had previously been prescribed by the President pursuant to the provisions of section 3 of the amended militia law of 1903. In organizations thus reduced in strength immediate steps were instituted to replace the losses by further recruiting.

Sincerely, yours,

NEWTON D. BAKER,
Secretary of War.

O

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 1331.

BREAKWATER IN FRONT OF MARINE HOSPITAL, CHICAGO, ILL.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

SUBMITTING

TENTATIVE DRAFT OF LEGISLATION TO PROVIDE FOR A BREAKWATER IN FRONT OF MARINE HOSPITAL, CHICAGO, ILL.

AUGUST 18, 1916.—Referred to the Committee on Interstate and Foreign Commerce and ordered to be printed, with illustrations.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, July 11, 1916.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: The site of the United States marine hospital at Chicago, Ill., fronts on Lake Michigan, north of the present end of the extension of Lincoln Park in said city along the lake shore. The action of the seas on the marine hospital shore has damaged the bulkhead, or wall, and Congress has been requested to make an appropriation of $40,000 for a new breakwater.

The commissioners of Lincoln Park desire to extend said park across the water front of the marine-hospital site. If the United States will surrender its riparian rights said commissioners will do all required filling in front of the United States land to extend Lincoln Park, as shown generally on the accompanying map or plan; beautify such park extension, build roadways, lagoons, etc.; and prevent further erosion of the present marine hospital site, etc.; all as more particularly set forth in the attached copy of the resolution passed by said commissioners May 10, 1916.

The proposed slight enlargement of the hospital site, the relief of the United States from protecting the water front against the seas, and the contemplated beautifying of the lake side would all be advantageous to the Government. This department, therefore, recommends that the necessary legislation be enacted to authorize the Secretary of the Treasury to transfer to the Lincoln Park commissioners so much of the Government's rights to the water front of the marine hospital as may be deemed necessary to give effect to the proposed extension of the park, the land so transferred to revert to the United States when no longer used for park purposes.

A tentative draft of such legislation is inclosed.

Respectfully,

W. G. MCADOO, *Secretary.*

Digitized by Google

EXTRACT FROM MINUTES OF MEETING OF MAY 10, 1916.

Whereas the commissioners of Lincoln Park contemplate taking steps to acquire the riparian rights of land within the Lincoln Park district owned by the Government of the United States of America, used for marine hospital, fronting on Lake Michigan, for the purpose of enabling the commissioners to extend Lincoln Park along the front of said grounds of the marine hospital, according to plan adopted November 25, 1895; and

Whereas such plan contemplates a boulevard along the west boundary of Lincoln Park, which said boulevard would separate the lands of Lincoln Park from the lands of the United States Government, as aforesaid: and

Whereas it is the desire of the officials in charge of said marine hospital that provision be made in said plan whereby said marine hospital grounds would have immediate access, by an inlet or boat channel, to any lagoon within said park, as extended, and opening upon the lake; and

Whereas the present breakwater along the water front of said marine hospital grounds is in a state of disrepair and may require repairs from time to time to prevent erosions from said land by the action of the waters; and

Whereas a bill is now pending in Congress for an appropriation of $40,000 to erect a breakwater, which said appropriation might, if put through, and said breakwater erected embarrass the further extension of said park along and across the water front of said hospital grounds; and

Whereas the officials in charge of said hospital are willing to recommend to the departmental officials at Washington and to Congress that said riparian rights be surrendered upon a boundary being fixed between such lands and the lands of Lincoln Park, provided the commissioners of Lincoln Park would agree to maintain and keep said present breakwater in such repair as would prevent erosions until such times as the park extension will be carried to completion across such frontage: Therefore be it

Resolved, That the commissioners of Lincoln Park agree to incorporate in any bill in Congress any instrument in writing, or any decree of court, whereby said riparian rights of said lands of the United States marine hospital are surrendered to the commissioners of Lincoln Park that they, said commissioners of Lincoln Park, will keep in such repair as is necessary to prevent erosions of land the present breakwater along said water front of the said hospital grounds, and will further agree to provide an inlet or boat channel whereby direct access from said grounds may be had to the waters of a lagoon located within said park as extended, which said lagoon will have an opening to the lake, the size of said inlet or boat channel to be hereafter determined; and the commissioners of Lincoln Park further agree to fill in and improve the submerged land lying between the western boundary of Lincoln Park and the present limits of the marine hospital grounds when said park extension is constructed across the front of said marine hospital grounds.

On motion of Mr. Winston, seconded by Mr. Friedlund, the resolution was adopted by the following vote: Yeas, Messrs. O'Byrne, Friedlund, Rehm, Bruchman, Winston; nays, none.

STATE OF ILLINOIS, *Cook County, ss:*

I, George D. Crowley, secretary for the commissioners of Lincoln Park, do hereby certify that the above and foregoing is a true and correct copy of a resolution passed by the commissioners of Lincoln Park on the 10th day of May, A. D. 1916.

I further certify that the same appears in the minutes of the meeting of said commissioners of Lincoln Park.

Witness my hand and the seal of the commissioners of Lincoln Park this 11th day of May, A. D. 1916.

GEORGE D. CROWLEY,
Secretary of the Commissioners of Lincoln Park.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to transfer and convey to the city of Chicago, Illinois, for the Lincoln Park commissioners, so much of the rights of the United States to the lake front of the marine hospital site in Chicago, Illinois, as he may deem proper and upon such terms and conditions as he may impose, in order to permit the proposed extension of Lincoln Park across the water front of said site: *Provided, however*, That said transferred rights to said lake front and the title to the land which may be added to the present water front of said marine hospital site shall revert to the United States whenever such land is no longer used for park purposes.

Digitized by Google

Digitized by Google

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 1332.

MILLE LAC BAND OF CHIPPEWA INDIANS, MINNESOTA.

LETTER

FROM

THE SECRETARY OF THE TREASURY.

TRANSMITTING

RECORD OF A JUDGMENT RENDERED BY THE COURT OF CLAIMS DECEMBER 6, 1915, IN CAUSE NO. 30447, MILLE LAC BAND OF CHIPPEWA INDIANS IN THE STATE OF MINNESOTA AGAINST THE UNITED STATES.

AUGUST 18, 1916.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, August 16, 1916.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith, for the consideration of Congress, the record of a judgment rendered by the Court of Claims December 6, 1915, in cause No. 30447, Mille Lac Band of Chippewa Indians in the State of Minnesota *v.* The United States.

Congress referred this claim to the Court of Claims and the judgment was rendered under the provisions of the act entitled "An act for the relief of the Mille Lac Band of Chippewa Indians in the State of Minnesota, and for other purposes," approved February 15, 1909 (35 Stat., 619).

On a former trial of the case a judgment for the claimants was entered May 6, 1912, for the sum of $827,580.72, which, on appeal by the Government, was reversed by the Supreme Court of the United States and the case remanded for a reassessment of the damages. (229 U. S., 498, 510.)

The judgment rendered by the Court of Claims December 6, 1915, awarded the claimants $711,828.47 ($509,510.43 principal and $202,318.04 interest).

Digitized by Google

The Court of Claims, on June 5, 1916, denied the Government's motion for a new trial and filed as of that date the findings and opinion of the court entered December 6, 1915.

The Solicitor General, on July 19, 1916, advised the chief clerk of the Court of Claims that no appeal from the judgment would be taken by the United States "provided the claimants, within 90 days from this date, consent in writing to allow a reduction of $22,367.93, and thereby accept in settlement the sum of $689,460.54, with interest at the rate of 5 per cent per annum on $487,873.94 from December 6, 1915, up to date of payment," and on July 29, 1916, such consent in writing was filed in the office of the chief clerk of the Court of Claims.

The Solicitor General, under date of August 1, 1916, advised the Secretary of the Treasury that no appeal will be taken by the United States to the Supreme Court in this case.

The amount due under the judgment of December 6, 1915, as stated in the Court of Claims opinion, delivered by Justice Booth, is to be credited to the general fund of the Chippewa Indians in the State of Minnesota, established under the provisions of section 7 of the act of January 14, 1889 (25 Stat., 645), as a permanent fund bearing interest at the rate of 5 per cent per annum.

The following clause of law is suggested for inclusion in the general deficiency appropriation bill:

Judgment of the Court of Claims in favor of the Mille Lac Band of Chippewa Indians in the State of Minnesota: For payment of the net amount, namely, $689,460.54, of a judgment of the Court of Claims, dated December sixth, nineteen hundred and fifteen, rendered under the act of February fifteenth, nineteen hundred and nine, in favor of the Mille Lac Band of Chippewa Indians in the State of Minnesota, to be credited to "Chippewas in Minnesota fund," established by section seven of the act approved January fourteenth, eighteen hundred and eighty-nine; $487,873.94 of said net judgment, as determined by the Court of Claims, to bear interest which is hereby appropriated out of any moneys in the Treasury not otherwise appropriated at the rate of five per centum per annum from December sixth, nineteen hundred and fifteen, until the date the fund is credited; and thereafter the amount credited to the fund shall draw interest as provided in section seven of the said act of January fourteenth, eighteen hundred and eighty-nine.

Respectfully,

W. G. McAdoo, *Secretary.*

[Court of Claims of the United States. No. 30447. Decided December 6, 1915. Mille Lac Band of Chippewa Indians in the State of Minnesota v. The United States.]

The court, in obedience to the remand of this case by the Supreme Court and upon the record produced by the parties in order to reassess the damages, makes the following

FINDINGS OF FACT.

I.

On the record now before the court it appears that the Mille Lac Indian Reservation was surveyed as public lands in 1865 and 1870. According to said survey the reservation contained 61,028.14 acres of land.

Digitized by Google

II.

Of the 61,028.14 acres of land in the Mille Lac Indian tract 9,335.50 acres come within the proviso to section 6 of the act of anuary 14, 1889 (and are to be charged against the Indians), said creage being in detail as follows:

'atented under the treaty of 1864 to the chief of the Mille Lac Band	652.35
'atented May 13, 1871—Swamp-land act	662.75
Entered prior to and patented after Jan. 14, 1889—Soldiers' additional homestead	17,350.79
Entered and patented prior to Jan. 14, 1889—Soldiers' additional homestead	6,118.86
Entered and patented prior to Jan. 14, 1889—Preemption entries	955.82
Entered prior to and patented after Jan. 14, 1889—Preemption entries	701.25
Entered and patented prior to Jan. 14, 1889—Final homestead	864.60
Entered and patented prior to Jan. 14, 1898—Commuted homestead	320.00
Entered prior to and canceled after Jan. 14, 1889—Final homestead	1,709.08
Total	29,335.50

III.

The remainder of said tract, amounting to 31,692.64 acres, does not ome within said proviso, the Indians being entitled to credit thereor, said acreage being in detail as follows:

Taken by the State of Minnesota as school lands under State laws	$3,022.32
Homestead and preemption entries entered and patented subsequent to the act of 1889 and the joint resolutions of 1893 and 1898	28,246.87
Swamp-land entries rejected and never patented	79.75
Entered after the passage of act of 1889 and patents not yet issued	262.80
Indian allotments made subsequent to 1889, 1893, and 1898	80.90
Total	31,692.64

Of this 31,692.64 acres 21,128.42 acres thereof should have been lassified as pine lands and 10,564.22 acres as agricultural lands.

Of the 21,128.42 acres classified as pine lands aforesaid 2,112.85 hould have been classified as Norway pine lands, which would have ielded 7,817,545 feet of lumber, which was at the time worth $5.13 er thousand feet, or a total sum of $40,104; and 19,015.56 acres hereof should have been classified as white-pine lands and would ave yielded 70,357,572 feet of lumber, which at the time was worth 7.58 per thousand feet, or a total sum of $533,306.06.

The 10,564.22 acres of agricultural lands mentioned above were alued under the agreement of 1889 at $1.25 per acre, or a total sum f $13,205.27, making the 31,692.64 acres of pine and agricultural ands worth the sum of $586,615.33.

IV.

Prior to the passage of the agreement of January 14, 1889, and as arly as 1885 and 1886, there was cut from the Mille Lac tract ,000,000 feet of pine timber, 700,000 feet thereof being Norway pine nd 6,300,000 feet thereof being white pine. The value thereof, acording to the figures set forth in the preceding findings, was $51,345.

Digitized by Google

V.

The cost of surveying said lands preliminary to their classification and sale would have been 6 cents per acre, or a total of	$1,901.5
The total cost of classifying the 31,692.64 acres would have been 8 cents per acre, or	2,535.4
The cost of superintending, scaling, and recording the timber (78,165,117 feet) cut and marketed from the 21,128.42 acres of pine land would have been 26 cents per thousand feet, or	20,322.8
The cost of printing and advertising for the disposal of the pine and agricultural lands would have been	1,000.0
Total	25,759.9

VI.

Under the regulations of the Department of the Interior in pursuance of the directions given in the act of January 14, 1889, for the disposal of the Indian lands mentioned in said act, the Mille Lac tract would not in the usual course of procedure have been offered for sale prior to November 15, 1904, and the regulations governing the sale would have required 25 per cent of the timber to be removed by July 1, 1906, and 25 per cent thereof each year thereafter for three years.

In accordance with said regulations the claimants herein would be entitled to 5 per cent interest on 25 per cent of the value of the timber had the same been sold and the proceeds deposited each year in accordance with the department's rules and regulations; said four payments of 25 per cent each would have been deposited in the Treasury of the United States on March 1 of the years 1906, 1907, 1908, and 1909, from which dates, respectively, interest should be computed to December 6, 1915, which would be as follows:

Interest on first quarterly payment, Mar. 1, 1906, to Dec. 6, 1915	$60,132.8
Interest on second quarterly payment, Mar. 1, 1907, to Dec. 6, 1915	53,763.9
Interest on third quarterly payment, Mar. 1, 1908, to Dec. 6, 1915	47,395.0
Interest on forth quarterly payment, Mar. 1, 1909, to Dec. 6, 1915	41,026.1
Total	202,318.0

VII.

Included in the second item of Finding III stated as 28,246.87 acres of homestead and preemption entries is the item of 17,082.38 acres of land known as railroad indemnity selections. This total acreage was selected by the railroads prior to the passage of the act of January 14, 1889. The entries so selected were never approved and were canceled by the Land Office in 1892 and some as late as 1900. All of this land was subsequently entered under the homestead and preemption entries and passed to patent subsequent to the resolution of 1898.

VIII.

The 17,350.79 acres mentioned in Finding II as soldiers' additional homestead which was passed to patent subsequent to the agreement of January 14, 1889, in pursuance of the terms of said agreement should be classified as follows:

	Acres.
Agricultural lands	5,783.3
Pine lands	11,567.9

Digitized by Google

Of the 11,567.20 acres of pine lands 1,156.72 should be classified as Norway pine lands and would have yielded 3,700 feet per acre, or a total amount of 4,279,864 feet of Norway pine lumber; and 10,410.48 acres of white-pine lands would have yielded 3,700 feet per acre, or a total of 38,518,776 feet of white-pine timber. The Norway pine was worth at the time $5.13 per thousand feet, or $21,955.70; and the white pine was worth $7.58 per thousand, or $291,972.32.

CONCLUSION OF LAW.

Upon the foregoing findings of fact the court decides as a conclusion of law that the claimants are entitled to a judgment of and from the United States in the principal sum of $509,510.43, and interest thereon amounting to the sum of $202,318.04, or a total amount of seven hundred and eleven thousand eight hundred and thirty-two dollars and forty-seven cents ($711,828.47).

OPINION.

BOOTH, Judge, delivered the opinion of the court.

This case is now before the court, having been remanded for reassessment of damages as set forth in the opinion of the Supreme Court, United States *v.* Mille Lac Band, etc. (229 U. S., 498).

The order of remand, found on page 510 of the opinion, reads as follows:

> The Court of Claims gave no effect to the proviso to section 6, and the findings afford no basis for separating the damages rightly recoverable from those erroneously assessed on account of lands disposed of under preemption and homestead entries allowed prior to the act of 1889. The case must therefore be remanded for a reassessment of the damages.

The record in the case before this court on its first trial afforded no means of "separating the damages rightfully recoverable from those erroneously assessed," etc., and in response to the allowance of a motion for leave to take additional testimony a more complete record has been presented, and from which the findings of fact have been adduced.

In making up the judgment the court has followed the express language of the opinion of the Supreme Court, and the various items allowed rest wholly upon the theory that the lands for which judgment is awarded should have been disposed of in strict conformity with the act of 1889.

The United States is given credit for 29,335.50 acres of homestead and preemption entries, all of which were entered prior to the act of 1889 and most of which passed to patent subsequent to said act in virtue of the proviso to section 6 thereof. The principal controversy in reference to this item arises over what is technically described as soldiers' additional scrip. This total acreage of 17,350.79 is described in the record as soldiers' additional homestead. It seems to us quite useless to enter into a technical discussion as to the distinction between this particular class of entries and what is known as homestead rights. In the administration of land affairs by the Land Office these two classes of lands are segregated and the various statutes under which these rights are acquired are separate and distinct. Nevertheless, it seems to us that when the Supreme Court used

Digitized by Google

the words "all existing preemption and homestead entries" it was intended to include all entries which, in their essence, originated in homestead rights and would be known generally as homestead entries. It is true that all these entries were made upon the same day and covered a vast extent of territory. Nevertheless, they were in effect substantially all the homestead entries that were pending for patent at the time of the passage of the act of 1889 and were considered by the Land Office as the very lands mentioned in the proviso to section 6 and subsequently patented prior to the joint resolution of Congress passed in 1893. Comparatively few patents of any description had been granted for entries made prior to January 14, 1889, and if these lands are to be exempt the proviso to section 6 would have practically nothing upon which to operate. It appears that 1,709.08 acres were entered prior to and canceled after 1889 as final homesteads. The record discloses that the cancellation followed a failure on the part of the entrymen to comply with the land laws subsequent to 1889. These entries were valid in every respect, and the failure to receive patent was due entirely to the failure of the entrymen to pursue their rights under the statute to a final conclusion. They were, we think, valid subsisting homestead entries at the time of the passage of the act of 1889.

Subsequent to the remand of this case the Land Office made a careful and detailed examination of its records in response to a call from this court, and made a report wherein it was disclosed that on January 1, 1890, there were 32,309.19 acres of land upon said reservation upon which there was at the time no valid subsisting preemption or homestead entry. Following this report the Government proceeded to take testimony, and said acreage was personally examined and classified and the character and quantity of timber estimated by an expert employed for the purpose. In going over the present record, however, the court has reduced this acreage a rather insignificant amount.

The act of January 14, 1889, first imposed upon the Commissioners of the General Land Office the duty of surveying all of said Indian lands, and thereafter the Secretary of the Interior was to appoint competent and experienced examiners to classify the same into pine and agricultural lands. In order to accomplish this purpose the Secretary of the Interior, through the Land Office, promulgated certain rules and regulations to be followed in administering the aforesaid law. In making up the judgment in this case the court has followed said rules and regulations in all their detail.

Judgment is awarded upon the basis of a credit to the Indians of 31,692.64 acres, and is made up of five distinct classes of entries. The first embraces an item of 3,022.32 acres of land taken by the State of Minnesota under its organic act for school purposes and generally known as school lands. These entries are of course not homestead or preemption lands and, following the language of the Supreme Court, not embraced within the proviso to section 6 of the act of 1889.

The next item embraces homestead and preemption entries made upon 28,246.87 acres of land subsequent to the passage of the act of 1889, all of which went to patent after said act in pursuance of the joint resolutions of 1893 and 1898. The most troublesome item included within the last-mentioned acreage is 17,082.38 acres of land known as railroad indemnity selections. These railroad selections

Digitized by Google

were made by at least two railway companies many years prior to the passage of the act of 1889. They never went to patent and were all canceled by the General Land Office subsequent to 1889, and, in fact, at the time of the passage of the act of 1889 and prior to the act of 1884 were all suspended awaiting the final action of the Land Office. The railway companies never acquired any portion of said lands; on the contrary, they were, subsequent to the passage of the joint resolutions of 1898, entered as homestead and preemption entries and patented by the Land Office under the above-mentioned resolutions. They were never homestead or preemption entries in the technical signification of those terms, and the Land Office in making its report to this court did not treat them as such.

The remaining items, three in number, embrace small entries made subsequent to the passage of the act of 1889 under distinct laws, in no event to be characterized as homestead or preemption entries.

It is needless to discuss in detail the methods employed in arriving at the classification and amount of timber upon said lands, as we have followed in this respect the report of the expert employed by the defendant, made from a personal examination of practically every acre of pine lands upon said reservation.

The court has deducted from the amount of timber the total number of feet taken from said reservation prior to the passage of the act of 1889. This has been done upon the theory that said timber, having been removed prior to the composition and agreement of the disputes between the Mille Lacs and the United States, could not have been embraced within the final settlement of said disputes, that is, the act of January 14, 1889.

The court has also deducted the expense which would have accrued to the Mille Lac Indians if the lands embraced within their reservation had been disposed of under the act of 1889. Section 7 of said act provided for the payment of expenses incident to its administration, and the opinion of the Supreme Court expressly commands this court to treat the rights of the claimants as they accrued to them under the express provisions of said act. We have not, however, included in this deduction any of the expenses incident to the allotment of Mille Lac Indians upon the White Earth Reservation. The proportion of the same due from the Mille Lacs has already been paid from the general fund realized from the sale of all the timber upon all the reservations, and inasmuch as the Mille Lacs were fully entitled to participate in said general fund, and as the total amount of this judgment becomes a part of said general fund, it would in effect constitute a double payment to require them to again pay any portion of the expenses of allotment.

In ascertaining the interest due we have followed closely the regulations of the Department of the Interior in respect to the payment of interest upon the funds realized from the sale of timber on the other reservations. This matter is set forth in detail in Finding VI and has been adopted by the court in compliance with the language of the opinion of the Supreme Court, wherein we are commanded to follow strictly the act of 1889.

In the assessment of damages we have followed the basis of prices which would have obtained had the act of 1889 been rightfully applied.

Digitized by Google

In addition to this we have set forth in Finding VIII the classification and full value of the timber upon the soldiers' additional homestead lands. We would have pursued a similar course with respect to the railroad indemnity lands, but it was quite impossible from the record to do so, inasmuch as they could not be segregated from the homestead entries thereon subsequent to the passage of the act of 1889.

Judgment is awarded the claimants in the principal sum of $509,510.43, and interest thereon in the sum of $202,318.04, making a total amount of $711,828.47 for which judgment is awarded, but of this total only the principal sum of $509,510.43 shall bear interest. Interest upon the said principal sum being payable from and after December 6, 1915.

It is so ordered.

UNITED STATES COURT OF CLAIMS,
OFFICE OF THE CLERK,
Washington, D. C., July 31, 1916.

SIR: I hand you herewith certified transcript of the judgment of this court in the case of the Mille Lac Band of Chippewa Indians in the State of Minnesota *v.* The United States (No. 30447), rendered December 6, 1915, for the sum of $711,828.47, with interest at the rate of 5 per cent per annum on $509,510.43 from December 6, 1915, till paid. At the same time I hand you certified copy of a letter addressed to me by John W. Davis, Solicitor General, and filed in said case on July 20, 1916, and a certified copy of a letter addressed to me by George B. Edgerton, attorney of record for the Mille Lac Band of Chippewa Indians, filed in said case on the 29th day of July, 1916

Respectfully,

SAML. A. PUTMAN,
Chief Clerk.

Mr. D. B. HENDERSON,
Washington, D. C.

[In the Court of Claims. Mille Lac Band of Chippewa Indians in the State of Minnesota *v.* The United States. No. 30447.]

At a Court of Claims held in the city of Washington, on the 6th day of December, A. D. 1915, judgment was ordered to be entered, as follows:

The court, upon due consideration of the premises find in favor of the claimants, and do order, adjudge, and decree that the said claimants, the Mille Lac Band of Chippewa Indians in the State of Minnesota, as aforesaid, do have and recover of and from the United States the principal sum of five hundred and nine thousand and five hundred and ten dollars and forty-three cents ($509,510.43) and interest thereon in the sum of two hundred and two thousand three hundred and eighteen dollars and four cents ($202,318.04), making a total amount of seven hundred and eleven thousand eight hundred and twenty-eight dollars and forty-seven cents ($711,828.47), for which judgment

Digitized by Google

s awarded, but of this total only the principal sum of five hundred and nine thousand five hundred and ten dollars and forty-three cents ($509,510.43) shall bear interest. Interest upon the said principal sum being payable from and after December 6, 1915.

A true copy of record.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at Washington, this 31st day of July, A. D. 1916.

[SEAL.] SAML. A. PUTMAN,
Chief Clerk Court of Claims.

Attest:

EDWD. K. CAMPBELL,
Chief Justice.

(George B. Edgerton, St. Paul, Minn., attorney of record.)

JULY 19, 1916.

The CHIEF CLERK, COURT OF CLAIMS.

SIR: In case No. 30447, entitled "The Mille Lac Band of Chippewa Indians in the State of Minnesota *v.* United States" there will be no appeal taken by the defendants from the judgment rendered December 6, 1915, provided the claimants, within 90 days from this date, consent in writing to allow a reduction of $22,367.93 and thereby accept in settlement the sum of $689,460.54, with interest at the rate of 5 per cent per annum on $487,873.94 from December 6, 1915, up to date of payment.

Very respectfully,

JNO. W. DAVIS,
Solicitor General.

I hereby certify that the above is a true copy of a letter filed in this office on the 20th day of July, 1916, by Jno. W. Davis, Solicitor General of the United States.

Test this 29th day of July, 1916.

[SEAL.] SAML. A. PUTMAN,
Chief Clerk.

JULY, 1916.

The CHIEF CLERK, COURT OF CLAIMS.

SIR: In settlement of the judgment for $509,510.43 and interest, rendered December 6, 1915, in case No. 30447, entitled "The Mille Lac Band of Chippewa Indians in the State of Minnesota *v.* United States," the claimants now consent and agree to accept the sum of $689,460.54 with interest at the rate of 5 per cent per annum on $487,873.94 from December 6, 1915, till paid.

Very respectfully,

GEO. B. EDGERTON,
Attorneys of record for the Mille Lac Band of Chippewa Indians.

I hereby certify that the above is a true copy of a letter filed in this office on the 29th day of July, 1916, by George B. Edgerton, attorney of record for the Mille Lac Band of Chippewa Indians.

Test this 29th day of July, 1916.

[SEAL.] SAML. A. PUTMAN,
Chief Clerk.

Digitized by Google

WASHINGTON, *July 31, 1916.*

The SECRETARY OF THE TREASURY.

SIR: I have the honor herewith to hand you a transcript of the judgment of the Court of Claims rendered December 6, 1915, in case No. 30447, entitled "The Mille Lac Band of Chippewa Indians in the State of Minnesota *v.* The United States," together with letter of transmittal by the chief clerk, of even date herewith, and a copy of the printed findings, conclusion of law, and opinion in the case.

Attached to the transcript, findings, and opinion are certified copies of letters filed with the clerk since the last-named date by the representatives of the claimants and defendants, respectively, whereby it is agreed that the gross amount of the judgment is reduced from $711,828.47 to $689,460.54, and the interest-bearing principal is reduced from $509,510.43 to $487,873.94, the interest to continue from December 6, 1915, at the rate of 5 per cent per annum.

As shown by the letters, the reduced judgment is accepted by claimants in consideration of the agreement on the part of the Government that no further appeal will be taken by them and, therefore, there will be no appeal therein by claimants or defendants.

Perhaps attention should be called to the fact that on motion of the defendants filed after the judgment of December 6, 1915, there was a rehearing allowed by the court, and on June 5, 1916, the judgment of December 6, 1915, was renewed and affirmed. A copy of the later order is herewith filed.

Very respectfully,

DANL. B. HENDERSON,
For the Claimants.

DEPARTMENT OF JUSTICE,
OFFICE OF THE SOLICITOR GENERAL,
Washington, D. C., August 1, 1916.

The SECRETARY OF THE TREASURY.

SIR: On July 19, 1916, I addressed to the chief clerk of the Court of Claims a letter in which it was stated that in case No. 30447, entitled "The Mille Lac Band of Indians in the State of Minnesota *v.* United States" there will be no appeal taken by the defendants from the judgment rendered on December 6, 1915, provided the claimants, within 90 days from this date, consent in writing to allow a reduction of $22,367.93 and thereby accept in settlement the sum of $689,460.54, with interest at the rate of 5 per cent per annum on $487,873.94 from December 6, 1915, up to date of payment. Mr. George B. Edgerton, attorney of record for the Mille Lac Band of Chippewa Indians, having filed with the chief clerk of the Court of Claims on July 29, 1916, a consent to the reduction of the judgment, and an agreement to accept the sum of $689,460.54 with interest at the rate of 5 per cent per annum on $487,873.94 from December 6, 1915, till paid, I have the honor to inform you that no appeal will be taken by the United States to the Supreme Court in the case.

Very respectfully,

JNO. W. DAVIS,
Solicitor General.

Digitized by Google

[In the Court of Claims. Term 1915 and 1916. The Mille Lac Band of Chippewa Indians in the State of Minnesota v. The United States. No. 30447.]

I certify that no appeal to the Supreme Court of the United States has been taken by either party from the judgment of the Court of Claims, entered on the 6th day of December, A. D. 1915, in favor of the claimant; and that no motion by either party for a new trial, or to amend or correct the findings or judgment, is now pending.

Test this 2d day of August, A. D. 1916.

[SEAL.] SAML. A. PUTMAN,
Chief Clerk Court of Claims.

WASHINGTON, *August 2, 1916.*

The SECRETARY OF THE TREASURY.

SIR: I am advised that there has now been filed in your office an announcement by the Solicitor General that there will be no appeal by the Government from the judgment of the Court of Claims, rendered December 6, 1915, in case No. 30447, entitled "The Mille Lac Band, etc., *v.* The United States."

If counsel for claimants can render any further aid preparatory to the submission of the matter to Congress I shall be glad to respond to any notice from your office.

Very respectfully,

DANL. B. HENDERSON,
For the Claimants.

UNITED STATES COURT OF CLAIMS,
OFFICE OF THE CLERK,
Washington, D. C., August 8, 1916.

SIR: In the matter of the judgment of this court in the case of The Mille Lac Band of Chippewa Indians in the State of Minnesota *v.* The United States (No. 30447) Mr. George B. Edgerton, of St. Paul, Minn., is the attorney of record and Mr. Daniel B. Henderson, of this city, appears on the record of this court as one of the counsel associated with Mr. Edgerton.

In the absence of Mr. Edgerton the transcript of the judgment in the case was delivered to Mr. Henderson to be lodged with you as provided by the statute.

Respectfully,

SAML. A. PUTMAN,
Chief Clerk.

The SECRETARY OF THE TREASURY.

O

Digitized by Google

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 1334.

VETO MESSAGE—ARMY APPROPRIATION BILL.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

RETURNING TO THE

HOUSE OF REPRESENTATIVES WITHOUT APPROVAL HOUSE BILL 16460, "AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE ARMY FOR THE FISCAL YEAR ENDING JUNE THIRTIETH, NINETEEN HUNDRED AND SEVENTEEN," AND STATING CERTAIN OBJECTIONS THERETO.

AUGUST 18, 1916.—Referred to the Committee on Military Affairs and ordered to be printed.

To the House of Representatives:

I have carefully considered the bill (H. R. 16460) entitled "An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and seventeen," and now take the liberty of returning it with my objections to its approval.

The bill constitutes an essential part of the legislation providing for the Military Establishment of the country and wisely and generously provides for the reorganization of the agencies of our national defense, and it is with genuine reluctance that I delay its becoming law by suggesting the elimination of one of the provisions which has been embodied in the very necessary and important revision of the Articles of War which has been added to it.

The existing Articles of War are undoubtedly archaic. They have not undergone comprehensive revision for more than 100 years. They do not always furnish the means of meeting promptly and directly the needs of discipline under modern conditions, and many contingencies now frequently arise in the government of the military forces which were not contemplated when the present code was formulated. The relations of the Government of the United States have greatly broadened within the hundred years. We now have insular possessions and national interests far away from our continental shores. Both the practice of arms and the theory of discipline have undergone many modern changes, and a manifest need for such a revision of these arti-

Digitized by Google

cles as is here presented has long existed. I therefore the more keenly regret to find in the proposed revision of the Articles of War a provision to which I can not give my approval.

The original act establishing the retired list of the Army (act of August 3, 1861) referred to the personnel therein included as only partially retired, and provided that a retired officer should be entitled to wear the uniform of his grade, should be borne on the Army Register, and should be subject to the rules and Articles of War and to trial by general court-martial for any breach of these articles. By the act of July 24, 1876, officers of the Army on the retired list were specifically declared to constitute a part of the Regular Army, a provision which is found repeated in subsequent acts affecting the organization of the Army; and other statutes enacted during this period made retired officers of the Army available for certain classes of active duty, in time of peace with their consent and in time of war without their consent. By the recently enacted national defense act the authority of the President over retired officers has been further extended, so as to make them subject to his call in time of war for any kind of duty without any restriction whatever. Courts and Attorneys General have, in a long line of decisions, held that officers of the Army on the retired list hold public office. It thus appears that both the legislative and judicial branches have drawn a sharp distinction in status between retired officers, who are regarded and governed at all times as an effective reserve of skilled and experienced officers and a potential source of military strength, and mere pensioners, from whom no further military service is expected. Officers on the retired list of the Army are officers of the Army, members of the Military Establishment distinguished by their long service, and as such examples of dicipline to the officers and men in the active Army. Moreover, they wear the uniform of the Army, their education and service hold them out as persons especially qualified in military matters to represent the spirit of the Military Establishment, and they are subject to active duty in time of national emergency by the mere order of the Commander in Chief. They are, therefore, members of the Army, officers of the United States, exemplars of discipline, and have in their keeping the good name and the good spirit of the entire Military Establishment before the world. Occupying such a relation, their subjection to the Rules and Articles of War and to trial by general court-martial have always been regarded as necessary in order that the retired list might not become a source of tendencies which would weaken the discipline of the active land forces and impair that control over those forces which the Constitution vests in the President.

The purpose of the Articles of War in times of peace is to bring about a uniformity in the application of military discipline which will make the entire organization coherent and effective, and to engender a spirit of cooperation and proper subordination to authority which will in time of war instantly make the entire Army a unit in its purpose of self-sacrifice and devotion to duty in the national defense. These purposes can not be accomplished if the retired officers, still a part of the Military Establishment, still relied upon to perform important duties, are excluded, upon retirement, from the wholesome and unifying effect of this subjection to a common discipline. I am persuaded that officers upon the retired list would themselves regard as an invidious and unpalatable discrimination which in

Digitized by Google

effect excluded them from full membership in the profession to which they have devoted their lives, and of which by the laws of their country they are still members. So long as Congress sees fit to make the retired personnel a part of the Army of the United States, the constitutionality of the proposed exemption of such personnel from all liability under the Articles of War is a matter of serious doubt, leaving the President, as it does, without any means sanctioned by statute of exercising over the personnel thus exempted the power of command vested in him by the Constitution.

Convinced as I am of the unwisdom of this provision and of its baneful effect upon the discipline of the Army; doubting, as I do, the power of Congress wholly to exempt retired officers from the control of the President, while declaring them to be a part of the Regular Army of the United States, I am constrained to return this bill without my approval.

WOODROW WILSON.

THE WHITE HOUSE, *August 18, 1916.*

[H. R. 16460. Sixty-fourth Congress of the United States of America; at the first session, begun and held at the city of Washington on Monday, the sixth day of December, one thousand nine hundred and fifteen.]

An act making appropriations for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and seventeen.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June thirtieth, nineteen hundred and seventeen.

CONTINGENCIES OF THE ARMY: For all contingent expenses of the Army not otherwise provided for and embracing all branches of the military service, including the office of the Chief of Staff; for all emergencies and extraordinary expenses, including the employment of translators and exclusive of all other personal services in the War Department, or any of its subordinate bureaus or offices at Washington, District of Columbia, or in the Army at large, but impossible to be anticipated or classified; to be expended on the approval and authority of the Secretary of War, and for such purposes as he may deem proper, including the payment of a per diem allowance not to exceed $4, in lieu of subsistence, to employees of the War Department traveling on official business outside of the District of Columbia and away from their designated posts, $50,000.

OFFICE OF THE CHIEF OF STAFF.

ARMY WAR COLLEGE: For expenses of the Army War College, being for the purchase of the necessary stationery; typewriters and exchange of same; office, toilet, and desk furniture; textbooks; books of reference; scientific and professional papers and periodicals; printing and binding; maps; police utensils; employment of temporary, technical, or special services; and for all other absolutely necessary expenses, including $25 per month additional to regular compensation to chief clerk of division for superintendence of the War College building, $9,000.

CONTINGENCIES, MILITARY INFORMATION SECTION, GENERAL STAFF CORPS: For contingent expenses of the military information section, General Staff Corps, including the purchase of law books, professional books of reference; periodicals and newspapers; drafting and messenger service; and of the military attachés at the United States embassies and legations abroad; and of the branch office of the military information section at Manila; the cost of special instruction at home and abroad and in maintenance of students and attachés; and for such other purposes as the Secretary of War may deem proper; to be expended under the direction of the Secretary of War: *Provided,* That section thirty-six hundred and forty-eight, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation, $11,000.

EXPENSES OF MILITARY OBSERVERS ABROAD: For the actual and necessary expenses of officers of the Army on duty abroad for the purpose of observing operations of armies

Digitized by Google

of foreign States at war, to be paid upon certificates of the Secretary of War that the expenditures were necessary for obtaining military information, $15,000.

UNITED STATES SERVICE SCHOOLS: To provide means for the theoretical and practical instruction at the Army service schools (including the Army Staff College, the Army School of the Line, the Army Field Engineer School, the Army Field Service and Correspondence School for Medical Officers, and the Army Signal School) at Fort Leavenworth, Kansas, the Mounted Service School, at Fort Riley, Kansas, and the School of Fire for Field Artillery and for the School of Musketry, at Fort Sill, Oklahoma, by the purchase of textbooks, books of reference, scientific and professional papers, the purchase of modern instruments and material for theoretical and practical instruction, employment of temporary, technical, or special services, and for all other absolutely necessary expenses, to be allotted in such proportion as may, in the opinion of the Secretary of War, be for the best interests of the military service. Not exceeding $100 per month may be used for the payment of one translator, to be appointed by the commandant of the Army service schools with the approval of the Secretary of War $35,350: *Provided*, That officers in the grade of second lieutenant in the Field Artillery may be assigned, for the period of one year, to batteries stationed at the School of Fire for Field Artillery at Fort Sill, Oklahoma, for the purpose of pursuing courses of practical instruction in field artillery.

THE ADJUTANT GENERAL'S DEPARTMENT.

CONTINGENCIES, HEADQUARTERS OF MILITARY DEPARTMENTS, DISTRICTS, AND TACTICAL COMMANDS: For contingent expenses at the headquarters of the several territorial departments, territorial districts, tactical divisions and brigades, including the Staff Corps serving thereat, being for the purchase of the necessary articles of office toilet, and desk furniture, stationery, ice, and potable water for office use when necessary, binding, maps, technical books of reference, professional and technical newspapers and periodicals, payment for which may be made in advance, and police utensils to be allotted by the Secretary of War, and to be expended in the discretion of the commanding officers of the several military departments, districts, and technical commands, $7,500.

CHIEF OF COAST ARTILLERY.

COAST ARTILLERY SCHOOL, FORT MONROE, VIRGINIA: For incidental expenses of the school, including chemicals, stationery, printing and binding; hardware; materials; cost of special instruction of officers detailed as instructors; employment of temporary technical, or special services; extra-duty pay to soldiers necessarily employed for periods not less than ten days as artificers on work in addition to and not strictly in line with their military duties, such as carpenters, blacksmiths, draftsmen, printers, lithographers, photographers, engine drivers, telegraph operators, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers; for office furniture and fixtures, machinery, and unforeseen expenses, $10,000;

For purchase of engines, generators, motors, machines, measuring instruments, special apparatus and materials for the division of the enlisted specialists, $7,000;

For purchase of special apparatus and materials and for experimental purposes for the department of artillery and land defense, $3,000;

For purchase of engines, generators, motors, machines, measuring instruments special apparatus and materials for the department of engineering and mine defense, $5,500;

For purchase and binding of professional books treating of military and scientific subjects for library, for use of school, and for temporary use in coast defenses, $2,500.

Provided, That section thirty-six hundred and forty-eight, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation.

Provided further, That purchase of typewriting machines, to be paid for from this appropriation, may be made at the special price allowed to schools teaching stenography and typewriting without obligating typewriter companies to supply these machines to all departments of the Government at the same price.

OFFICE OF THE CHIEF SIGNAL OFFICER.

SIGNAL SERVICE OF THE ARMY: For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, radio installations, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary meteorological instruments for use

Digitized by Google

on target ranges; motorcycles and motor-driven vehicles used for technical and official purposes; professional and scientific books of reference, pamphlets, periodicals, newspapers, and maps, for use in the office of the Chief Signal Officer; war balloons and airships and accessories, including their maintenance and repair; telephone apparatus (exclusive of exchange service) and maintenance of the same; electrical installations and maintenance at military posts; fire-control and direction apparatus and material for Field Artillery; maintenance and repair of military lines and cables, including salaries of civilian employees, supplies, general repairs, reserved supplies, and other expenses connected with the duty of collecting and transmitting information for the Army by telegraph or otherwise, $14,281,766: *Provided, however*, That not more than $13,281,666 of the foregoing appropriation shall be used for the purchase, manufacture, maintenance, operation, and repair of airships and other aerial machines and accessories necessary in the aviation section; and for the purchase, maintenance, repair, and operation of motor-propelled, passenger-carrying vehicles which may be necessary for the aviation section: *Provided further*, That of the sum last above mentioned $900,000, or so much thereof as may be necessary, will be available for paying and otherwise providing for such officers of the Officers' Reserve Corps of the Aviation Section of the Signal Corps and such enlisted men of the Enlisted Reserve Corps of the Aviation Section of the Signal Corps as may be called into active service: *Provided further*, That not to exceed $50,000 of the above sum will be available for the payment of all expenses in connection with the development of a suitable type of aviation motor, under such regulations as the Secretary of War may prescribe.

Provided further, That not more than $500 of the foregoing shall be used for the cost of special technical instruction of officers of said section.

Provided further, That hereafter in the settlement of transactions between appropriations under the Signal Corps, or between the Signal Corps and another office or bureau of the War Department, or of any other executive department of the Government, payment therefor shall be made by the proper disbursing officer of the Signal Corps, or of the office, bureau, or department concerned.

Provided further, That hereafter whenever contracts which are not to be performed within sixty days are made on behalf of the Government by the Chief Signal Officer, or by officers of the Signal Corps authorized to make them, and are in excess of $500 in amount, such contracts shall be reduced to writing and signed by the contracting parties. In all other cases contracts shall be entered into under such regulations as may be prescribed by the Chief Signal Officer.

PURCHASE OF LAND IN THE STATE OF CALIFORNIA FOR AVIATION SCHOOL PURPOSES: For the acquisition, by purchase or by condemnation, of a site or sites in the State of California for an aviation school and training grounds of the Signal Corps of the United States Army, not to exceed $300,000.

The Secretary of War is hereby authorized to accept for the United States from any citizen of the United States a donation of a tract or tracts of land suitable and desirable in his judgment for the purposes of an aviation field and remount station, the terms of the donation also to authorize the use of the property donated for any other service of the United States which may hereafter appear desirable.

The Secretary of War is directed to investigate the suitability of the various military reservations for aviation purposes, and should any of the reservations be found not suitable and not available for aviation he is authorized, in his discretion, to acquire, by purchase, condemnation, or otherwise, for the United States of America, such land as may be necessary for aviation purposes, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $300,000, or so much thereof as may be necessary, for said purpose.

The Secretary of War is hereby authorized to accept for the United States from any person such tract or tracts of land suitable and desirable in his judgment for permanent mobilization, training, and supply stations; and he is directed to investigate and report to Congress as soon as practicable what additional tracts are necessary for said purposes for use by the National Guard and by the Regular Army and the probable cost of the same.

WASHINGTON-ALASKA MILITARY CABLE AND TELEGRAPH SYSTEM: For defraying the cost of such extensions, batterments, and maintenance of the Washington-Alaska Military Cable and Telegraph System as may be approved by the Secretary of War, to be available until the close of the fiscal year nineteen hundred and eighteen, from the receipts of the Washington-Alaska Military Cable and Telegraph System which have been covered into the Treasury of the United States, the extent of such extensions and betterments and the cost thereof to be reported to Congress by the Secretary of War, $50,000.

COMMERCIAL TELEPHONE SERVICE AT COAST ARTILLERY POSTS: For providing commercial telephone service for official purposes at Coast Artillery posts, $8,500.

Digitized by Google

PAY OF OFFICERS OF THE LINE.

For pay of officers of the line, $10,000,000: *Provided*, That in applying section twenty-five of the national defense Act approved June third, nineteen hundred and sixteen, the President shall assign to officers of the Army such constructive dates of original commission, from which lengths of commissioned service shall be computed, as will preserve their rights to promotion in accordance with their relative order on the lineal lists of their arms and continue in effect losses of files occasioned by sentences of courts-martial or failures to pass required examinations for promotion, said constructive dates of original commission to be subject to change whenever a change thereof may be necessary in order to carry into effect losses of files hereafter incurred by any officer through a sentence of court-martial or a failure to pass a required examination for promotion: *Provided further*, That in determining the arm from which a detail is to be made to a vacancy in the detached officers' list, as provided in the third proviso of section twenty-five of the national defense Act approved June third, nineteen hundred and sixteen, the officer of any grade who is the senior in that grade according to the constructive dates of original commission provided for in the preceding proviso shall be considered the senior in length of commissioned service of all officers of that grade: *Provided further*, That in determining the rights of officers in the last proviso of section twenty-four of said national defense Act, officers retired before the separation of the Field Artillery from the Coast Artillery shall be regarded as having belonged to the Field Artillery: *Provided further*, That when by reason of increase in the arm, corps, or branch of the service in which an officer is commissioned his loss of files in lineal rank due to suspension from promotion on account of failure to pass the required examination therefor exceeds the loss he would have sustained if no such increase had occurred, he shall, if promoted upon reexamination, be advanced to the position he would have occupied in the grade to which promoted had no increase occurred: *And provided further*, That the general officers of the line who were appointed as such pursuant to the Act of March fourth, nineteen hundred and fifteen (Thirty-eighth Statutes at Large, page eleven hundred and ninety-one), shall take rank in their present grades over all officers hereafter appointed to like grades.

Additional pay to officers for length of service, $2,225,000.

For pay of members of the Officers' Reserve Corps when ordered to temporary duty, $10,000.

For pay of members of the Officers' Reserve Corps when ordered to duty with troops or at field exercises, or for instruction, $25,000.

For pay of members of the Officers' Reserve Corps appointed temporary second lieutenants at $100 per month, $5,000.

Pay of officers, National Guard, $9,000,000.

PAY OF ENLISTED MEN.

For pay of enlisted men of all grades, including recruits, $23,000,000: *Provided*, That hereafter one of the enlisted men detached from the Army at large for duty at each of the recruit depots under the provisions of the Act of June twelfth, nineteen hundred and six, shall, while so detached, have the rank, pay, and allowances of a regimental sergeant major.

Additional pay for length of service of enlisted men of the line, $2,300,000.

For pay of enlisted men of the Regular Army Reserves, at $24 per year, $10,000.

For pay of enlisted men of the Regular Army Reserves while engaged in field training for a period not exceeding fifteen days each year, $7,500.

For bounty at the rate of $3 per month to enlisted men of the Regular Army Reserves mobilized by order of the President, $1,000.

For bounty for reenlistments in time of war, $10,000.

For pay of members of the Enlisted Reserve Corps when called into actual service, $25,000.

For pay of members of the Enlisted Reserve Corps when called out for instruction or training for periods not exceeding fifteen days in any one calendar year, $5,000.

Pay of enlisted men of all grades, National Guard, $18,000,000: *Provided*, That all officers and enlisted men of the National Guard and of the Medical Reserve Corps of the Army who are Government employees and who respond to the call of the President for service shall, at the expiration of the military service to which they are called, be restored to the positions occupied by them at the time of the call: *Provided further*, That nothing in this Act or previous Acts of Congress shall be construed to prohibit the paying of men enlisted by State authorities of any State for militia organization for the

Digitized by Google

purpose of bringing said organization up to the minimum necessary to permit of the muster in of said organization, from the date of such enlistments to the date of muster in or from date of enlistment to date of rejection, after physical examination.

CORPS OF ENGINEERS.

Pay of enlisted men, $700,000.
Additional pay for length of service, $73,000.

ORDNANCE DEPARTMENT.

Pay of enlisted men, $300,000.
Additional pay for length of service, $150,000.

QUARTERMASTER CORPS.

Pay of enlisted men, $2,000,000.
Additional pay for length of service, $325,000.

SIGNAL CORPS.

Pay of enlisted men, $800,000.
Additional pay for length of service, $90,000.

MEDICAL DEPARTMENT.

Pay of enlisted men, $1,500,000.
Additional pay for length of service, $220,000.
For pay of privates, first class, when rated as dispensary assistants, nurses, or surgical assistants, $5,000: *Provided*, That hereafter the proportion of privates first class to privates in the Signal Corps and in the Medical Department shall be the same as the proportion of privates first class to privates now authorized by law in the Quartermaster Corps.

CLERKS, MESSENGERS, AND LABORERS, OFFICE OF THE CHIEF OF STAFF.

One chief clerk, at $2,250 per annum, $2,250;
Four clerks, at $2,000 each per annum, $8,000;
Six clerks, at $1,800 each per annum, $10,800;
Eleven clerks, at $1,600 each per annum, $17,600;
Fifteen clerks, at $1,400 each per annum, $21,000;
Twenty-one clerks, at $1,200 each per annum, $25,200;
Thirteen clerks, at $1,000 each per annum, $13,000;
One captain of the watch, at $900 per annum, $900;
Three watchmen, at $720 each per annum, $2,160;
One gardener, at $720 per annum, $720;
One packer, at $840 per annum, $840;
One chief messenger, at $1,000 per annum, $1,000;
One messenger, at $840 per annum, $840;
Twenty messengers, at $720 each per annum, $14,400;
One laborer, at $660 per annum, $660;
Two laborers, at $600 each per annum, $1,200;
Five charwomen, at $240 each per annum, $1,200;
In all, $121,770.

CLERKS AND MESSENGERS FOR HEADQUARTERS OF THE SEVERAL TERRITORIAL DEPARTMENTS, DISTRICTS, DIVISIONS AND BRIGADES, AND SERVICE SCHOOLS.

Seven clerks, at $2,000 each per annum, $14,000;
Eleven clerks, at $1,800 each per annum, $19,800;
Fourteen clerks, at $1,600 each per annum, $22,400;
Thirty-two clerks, at $1,400 each per annum, $44,800;
Fifty-seven clerks, at $1,200 each per annum, $68,400;
Forty-nine clerks, at $1,000 each per annum, $49,000;
Thirty-nine messengers, at $720 each per annum, $28,080;
In all, $246,480.
Additional pay while on foreign service, $9,000.

Digitized by Google

For commutation of quarters and of heat and light, $53,742.

Hereafter headquarters clerks shall be known as Army field clerks and shall receive pay at the rates herein provided, and after twelve years of service, at least three years of which shall have been on detached duty away from permanent station, or on duty beyond the continental limits of the United States, or both, shall receive the same allowances, except retirement, as heretofore allowed by law to pay clerks, Quartermaster Corps, and shall be subject to the rules and articles of war.

Hereafter not to exceed two hundred clerks, Quartermaster Corps, who shall have had twelve years of service, at least three years of which shall have been on detached duty away from permanent station, or on duty beyond the continental limits of the United States, or both, shall be known as field clerks, Quartermaster Corps, and shall receive the same allowances, except retirement, as heretofore allowed by law to pay clerks, Quartermaster Corps, and shall be subject to the rules and articles of war.

For commutation of quarters and of heat and light, $67,600.

Provided, That said clerks, messengers, and laborers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve: *Provided*, That no clerk, messenger, or laborer at headquarters of tactical divisions, military departments, brigades, service schools, and office of the Chief of Staff shall be assigned to duty in any bureau in the War Department.

ADJUTANT GENERAL'S DEPARTMENT.

For pay of officers of The Adjutant General's Department, $100,000.

Additional pay for length of service, $26,000.

INSPECTOR GENERAL'S DEPARTMENT.

For pay of officers of the Inspector General's Department, $69,500.

Additional pay for length of service, $17,500.

CORPS OF ENGINEERS.

Pay of officers of the Corps of Engineers, $675,000.

Additional pay for length of service, $150,000.

ORDNANCE DEPARTMENT.

For pay of officers of the Ordnance Department, $280,000.

Additional pay for length of service, $60,000.

QUARTERMASTER CORPS.

For pay of officers of the Quartermaster Corps, $700,000: *Provided*, That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint Charles P. Daly, chief clerk, office of the Quartermaster Corps, United States Army, a military storekeeper in the Quartermaster Corps, United States Army, with the rank, pay, and allowances of a captain, mounted; and the grade of military storekeeper is hereby revived in the Army of the United States for this purpose only: *Provided further*, That hereafter the provisions of section eleven hundred and ninety-one of the Revised Statutes of the United States may, in the discretion of the Secretary of War, be waived in the cases of officers of the Quartermaster Corps who are not accountable for public funds or public property.

Additional pay for length of service, $160,000.

MEDICAL DEPARTMENT.

For pay of officers of the Medical Department, $1,800,000.

Additional pay for length of service, $250,800.

Contract surgeons, at not exceeding $150 each per month, $20,000.

One superintendent, Nurse Corps, at $1,800 per annum, $1,800.

Provided, That hereafter the superintendent shall receive such allowances of quarters, subsistence, and medical care during illness as may be prescribed in regulations by the Secretary of War.

Nurses (female), $141,000.

Digitized by Google

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

For pay of officers in the Judge Advocate General's Department, $60,000.
Additional pay for length of service, $12,320.

That the Secretary of War is hereby directed to cause to be prepared, with as much expedition as may be consistent with thoroughness, to be finished within two years, a revision and codification of the military laws of the United States, which shall conform in scope and character to the revision and codification of the laws of the United States of a permanent and general nature directed by the Act of March third, nineteen hundred and one. The Secretary of War shall submit to Congress a report of progress of the revision and codification herein directed upon the first day of the second session of the Sixty-fourth Congress, and, when the revision and codification is completed, he shall cause a copy of the same, in print, to be submitted to Congress, that the statutes so revised and codified may be reenacted if Congress shall so determine.

For paying the expenses of clerical hire and printing and other expenses incident to the making of the revision and codification herein directed, not to exceed $5,000, to be expended upon certificates of the Secretary of War that the expenditures were necessary therefor.

SIGNAL CORPS.

For pay of officers of the Signal Corps, $375,000.
Additional pay for length of service, $50,000.
For pay of thirty aviators, Signal Corps, at $1,800 each per annum, $54,000.

BUREAU OF INSULAR AFFAIRS.

For pay of officers of the Bureau of Insular Affairs, $13,000.
Additional pay for length of service, $2,000.

RETIRED OFFICERS.

For pay of officers on the retired list and for officers who may be placed thereon during the current year, $2,700,000: *Provided*, That when by reason of the movement of troops a post is temporarily left without its regular garrison and with no commissioned officer except of the Medical Reserve Corps on duty thereat, the Secretary of War may assign a retired officer of the Army, with his consent, to active duty in charge of such post. The officer so assigned shall perform the duties of commanding officer and also any necessary staff duties at such post, and shall, while in the performance of such duties, receive the full pay and allowances of his grade, subject to the limitations imposed by the Act of March second, nineteen hundred and five, and the Act of June twelfth, nineteen hundred and six, which limitations shall include the grades of brigadier general, major general, and lieutenant general.

Additional pay for length of service, $467,000.
Four retired veterinarians, $7,140.
Thirteen retired pay clerks, $21,750.
Increased pay to retired officers on active duty, $57,275.
Additional pay for length of service, $19,137.

That the President be, and he is hereby, authorized to appoint Colonel James Jackson, United States Army (retired), to the position and rank of brigadier general on the retired list.

That the President be, and he is hereby, authorized to appoint any colonel of the Army on the retired list who before retirement served more than forty-five years and six months, including sixteen years in the line of the Army, who held command in the line or staff over nine and a half years, who received campaign badges for service in four Indian campaigns and in the War with Spain and the Philippine insurrection, and who was recommended by a commanding general in time of war or insurrection for appointment to the grade of general officer in the Volunteer Army, to the grade of brigadier general on the retired list: *Provided*, That such officer did not receive advanced grade upon retirement nor has since received any advance over the grade held at the date of retirement.

That the President be, and he is hereby, authorized to appoint to the grade of major general on the retired list of the Army any brigadier general now borne on said list who served with credit in the Army throughout both the Civil War and the War with Spain, as well as during the interval between said wars, and who, being a general officer, exercised with efficiency and gallantry the command of a brigade or of a higher unit in action or in actual operations against an enemy, and who in consideration of services

Digitized by Google

so rendered was recommended to be a major general, United States Volunteers, by the commanding general of the Army, as shown by the records of the War Department: *Provided*, That any brigadier general on the retired list who as senior colonel commanded with credit a brigade or higher unit in the Civil War, though not so recommended, may be advanced in grade as authorized by this paragraph if he fulfills the other requirements thereof.

That the President be, and he is hereby, authorized to appoint and place on the retired list of the Army with the rank of major general, any officer on the retired list who served not less than one year in the Regular or Volunteer forces of the United States during the Civil War prior to April ninth, eighteen hundred and sixty-five, and who was honorably discharged therefrom, who has since served not less than forty years as a commissioned officer of the Regular Army, and who was the last Civil War veteran on the active list of the Army for over two years before retirement and had ranked every general officer on the active list in length of service when he retired.

RETIRED ENLISTED MEN.

For pay of four thousand three hundred retired enlisted men, $3,100,000.

MISCELLANEOUS.

Thirty hospital matrons, at $120 each per annum, $3,600.

For expenses of courts-martial, courts of inquiry, military commissions, retiring boards, and compensation of reporters and witnesses attending same, and expenses of taking depositions and securing other evidence for use before the same, $60,000.

For additional pay to officer in charge of public buildings and grounds at Washington, District of Columbia, $500.

For commutation of quarters and of heat and light to commissioned officers, members of the Nurse Co ps, and enlisted men on duty at places where no public quarters are available, $1,000,000.

For interest on soldiers' deposits, $150,000.

For pay of translator and librarian of the military information section, General Staff Corps, at $1,800 per annum, $1,800.

For pay of expert accountant for the Inspector General's Department, $2,500.

For extra pay to enlisted men employed on extra duty for periods of not less than ten days in the offices of coast defense artillery engineers and coast defense ordnance officers, and as switchboard operators at seacoast fortifications, $14,803.

For extra pay to enlisted men employed on extra duty as switchboard operators at each interior post of the Army, $12,519.

For extra pay to enlisted men of the line of the Army and to enlisted men of the Quartermaster Corps and of the Signal Corps employed in the Territory of Alaska on the Washington-Alaska cable and telegraph system for periods of not less than ten days at the rate of 35 cents per day, $30,660.

For mileage to commissioned officers, contract surgeons, and expert accountant, Inspector General's Department, when authorized by law, $712,500.

For additional ten per centum increase of pay of officers on foreign service, $250,000.

For additional twenty per centum increase of pay of enlisted men on foreign service, $800,000.

For pay of one computer for Artillery Boa d, $2,500.

For payment of exchange by acting quartermasters serving in foreign countries and when specially authorized by the Secretary of War by officers disbursing funds pertaining to the Quartermaster Corps when serving in Alaska, $600.

For three months' additional pay to enlisted men reenlisting within the period of three months from date of discharge from first enlistment, $150,500.

For six months' pay to beneficiaries of officers and enlisted men who die while on active service from wounds or disease not the result of their own misconduct, $75,000.

For one year's pay to beneficiaries of officers and enlisted men who die as the result of aviation accidents, $10,000.

For additional pay to officers below the grade of major required to be mounted and who furnish their own mounts, $225,000.

For amount required to make monthly payments to Jennie Carroll, widow of James Carroll, late major, United States Army, $1,500.

For amount required to make monthly payments to Mable H. Lazear, widow of Jesse W. Lazear, late acting assistant surgeon, United States Army, $1,500.

For amount required to make monthly payments of $100 to John R. Kissinger, late of Company D, One hundred and fifty-seventh Indiana Volunteer Infantry, also late of the Hospital Corps, United States Army, $1,200.

Digitized by Google

That the Secretary of War shall make a list of all officers of the Army who have been placed on the retired list for disability and shall cause such officers to be examined at intervals as may be advisable, and such officers as shall be found to have recovered from such disabilities or to be able to perform service of value to the Government sufficient to warrant such action shall be assigned to such duty as the Secretary of War may approve.

For temporary employment, under the direction of the Secretary of War, of additional clerks in the field on account of the induction of additional forces into the service of the United States, $50,000.

PHILIPPINE SCOUTS.

Fifty-two captains, at $2,400 each per annum, $124,800;
Sixty-five first lieutenants, at $2,000 each per annum, $130,000;
Sixty-five second lieutenants, at $1,700 each per annum, $110,500;
For pay of thirteen majors in addition to pay as captain, at $600 each per annum, $7,800;
Additional pay for length of service, $93,783.
For pay of enlisted men, $601,028.
Additional pay for length of service, $40,766.

All the money hereinbefore appropriated for pay of the Army and miscellaneous, except the appropriation for mileage of officers, contract surgeons, and expert accountant, Inspector General's Department, when authorized by law, shall be disbursed and accounted for by officers of the Quartermaster Corps as pay of the Army, and for that purpose shall constitute one fund.

SUBSISTENCE OF THE ARMY: Purchase of subsistence supplies: For issue as rations to troops, civil employees when entitled thereto, hospital matrons, nurses, applicants for enlistment while held under observation, general prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made), Indians employed with the Army as guides and scouts, and general prisoners at posts; for the subsistence of the masters, officers, crews, and employees of the vessels of the Army transport service; hot coffee for troops traveling when supplied with cooked or travel rations; meals for recruiting parties and applicants for enlistment while under observation; for sales to officers and enlisted men of the Army: *Provided*, That the sum of $12,000 is authorized to be expended for supplying meals or furnishing commutation of rations to enlisted men of the Regular Army and the National Guard who may be competitors in the national rifle match: *Provided further*, That no competitor shall be entitled to commutation of rations in excess of $1.50 per day, and when meals are furnished no greater expense than that sum per man per day for the period the contest is in progress shall be incurred. For payments: Of commutation of rations to the cadets of the United States Military Academy in lieu of the regular established ration, at the rate of 40 cents per ration; of the regulation allowances of commutation in lieu of rations to enlisted men on furlough, enlisted men and male and female nurses when stationed at places where rations in kind can not be economically issued, and when traveling on detached duty where it is impracticable to carry rations of any kind, enlisted men selected to contest for places or prizes in departments and Army rifle competitions while traveling to and from places of contest, male and female nurses on leaves of absence, applicants for enlistment, and general prisoners while traveling under orders; of commutation of rations in lieu of the regular established ration for members of the Nurse Corps (female) while on duty in hospital, at 40 cents per ration, and for enlisted men, applicants for enlistment while held under observation, and general prisoners sick therein, at the rate of 30 cents per ration (except that at the general hospital at Fort Bayard, New Mexico, 50 cents per ration and at other general hospitals 40 cents per ration are authorized for enlisted patients therein), to be paid to the surgeon in charge; advertising; for providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed $900 per annum; for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army, $20,000,000: *Provided further*, That hereafter the officers and enlisted men of the Navy and the Marine Corps shall be permitted to purchase subsistence supplies at the same price as is charged the officers and the enlisted men of the Army; and the officers and the enlisted men of the Army shall be permitted to purchase subsistence supplies from the Navy and Marine Corps at the same price as is charged the officers and the enlisted men of the Navy and Marine Corps.

Digitized by Google

REGULAR SUPPLIES, QUARTERMASTER CORPS: Regular supplies of the Quartermaster Corps, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks and quarters, and recruiting stations and United States disciplinary barracks; also ranges, stoves, coffee roasters, and appliances for cooking and serving food at posts, in the field, and when traveling, and repair and maintenance of such heating and cooking appliances; and the necessary power for the operation of moving-picture machines; authorized issues of candles and matches; for furnishing heat and light for the authorized allowance of quarters for officers and enlisted men; contract surgeons when stationed at and occupying public quarters at military posts; for officers of the National Guard attending service and garrison schools, and for recruits, guards, hospitals, storehouses, offices, the buildings erected at private cost, in the operation of the Act approved May thirty-first, nineteen hundred and two; for sale to officers, and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries, including bake ovens and apparatus pertaining thereto, and the repair thereof; for ice machines and their maintenance where required for the health and comfort of the troops and for cold storage; ice for issue to organizations of enlisted men and officers at such places as the Secretary of War may determine, and for preservation of stores; for the construction, operation, and maintenance of laundries at military posts in the United States and its island possessions; for the authorized issues of laundry materials for use of general prisoners confined at military posts without pay or allowances, and for applicants for enlistment while held under observation; authorized issues of soap; for hire of employees; for the necessary furniture, textbooks, paper, and equipment for the post schools and libraries; for the purchase and issue of instruments, office furniture, stationery, and other authorized articles for the use of officers' schools at the several military posts; commercial newspapers, market reports, and so forth; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men including recruits; of forage, salt, and vinegar for the horses, mules, oxen, and other draft and riding animals of the Quartermaster Corps at the several posts and stations and with the armies in the field, and for the horses of the several regiments of Cavalry, and batteries of Artillery, and such companies of Infantry and Scouts as may be mounted; for remounts and for the authorized number of officers' horses, including bedding for the animals; for seeds and implements required for the raising of forage at remount depots and on military reservations in the Hawaiian and Philippine Islands and for labor and expenses incident thereto, including, when specifically authorized by the Secretary of War, the cost of irrigation: *Provided*, That the accounting officers of the Treasury are hereby authorized and directed to remove any suspensions or disallowances in the accounts of Captain Sam Van Leer, Quartermaster Corps, United States Army, for expenditures made in connection with the establishment of an irrigation system at the Fort Keogh Remount Depot, Montana; for straw for soldiers' bedding, stationery, typewriters and exchange of same, including blank books and blank forms for the Quartermaster Corps, certificates for discharged soldiers, and for printing department orders and reports, $11,000,000: *Provided*, That no part of the appropriations for the Quartermaster Corps shall be expended on printing unless the same shall be done at the Government Printing Office, or by contract after due notice and competition, except in such cases as the emergency will not admit of the giving notice of competition, and in cases where it is impracticable to have the necessary printing done by contract the same may be done with the approval of the Secretary of War, by the purchase of material and hire of the necessary labor for the purpose. For the fiscal year ending June thirtieth, nineteen hundred and seventeen, whenever the ice machines, steam laundries, and electric plants shall not come in competition with private enterprise for sale to the public, and in the opinion of the Secretary of War it becomes necessary to the economical use and administration of such ice machines, steam laundries, and electric plants as have been or may hereafter be established in pursuance of law, surplus ice may be disposed of, laundry work may be done for other branches of the Government, and surplus electric light and power may be sold on such terms and in accordance with such regulations as may be prescribed by the Secretary of War: *Provided*, That the funds received from such sales and in payment for such laundry work shall be used to defray the cost of operation of said ice, laundry, and electric plants, and the sales and expenditures herein provided for shall be accounted for in accordance with the methods prescribed by law, and any sums remaining after such cost of maintenance and operation have been defrayed shall be deposited in the Treasury to the credit of the appropriation from which the cost of operation of such plant is paid: *Provided*, That $250,000 of the appropriation provided for in this paragraph shall be expended in the purchase of material and the construction of tent floors, framing for screens, and screens, to be added to the equipment of the tents now being used by the Army of the United States.

Digitized by Google

INCIDENTAL EXPENSES, QUARTERMASTER CORPS: Postage; cost of telegrams on official business received and sent by officers of the Army; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster Corps, in the erection of barracks, quarters, and storehouses, in the construction of roads, and other constant labor for periods of not less than ten days; as additional school-teachers during the school term at post schools, and as clerks for post quartermasters at military posts, and for overseers of general prisoners at posts designated by the War Department for the confinement of general prisoners, and for the United States disciplinary barracks guard: *Provided*, That hereafter the extra-duty pay to the United States disciplinary barracks guard shall be at the following rates per day: Sergeants, 35 cents; corporals, 30 cents; and privates, 20 cents; of extra-duty pay at rates to be fixed by the Secretary of War for mess stewards and cooks at recruit depots, who are graduates of the schools for bakers and cooks, and instructor cooks at the schools for bakers and cooks; for expenses of expresses to and from frontier posts and armies in the field; of escorts to officers or agents of the Quartermaster Corps to trains where military escorts can not be furnished; authorized office furniture, authorized issues of towels; hire of laborers in the Quartermaster Corps, including the care of officers' mounts when the same are furnished by the Government, and the hire of interpreters, spies, or guides for the Army; compensation of clerks and other employees to the officers of the Quartermaster Corps, and clerks, foremen, watchmen, and organist for the United States disciplinary barracks, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit, and no greater sum than $50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of $5 to each dishonorably discharged prisoner upon his release from confinement under court-martial sentence involving dishonorable discharge; for the following expenditures required for the several regiments of Cavalry, the batteries of Field Artillery, and such companies of Infantry and Scouts as may be mounted, the authorized number of officers' horses, and for the trains, to wit, hire of veterinary surgeons, purchase of medicines for horses and mules; picket ropes, blacksmith's tools and materials, horseshoes and blacksmith's tools for the Cavalry service, and for the shoeing of horses and mules; chests and issue outfits; and such additional expenditures as are necessary and authorized by law in the movements and operations of the Army, and at military posts, and not expressly assigned to any other department, $2,000,000.

TRANSPORTATION OF THE ARMY AND ITS SUPPLIES: For transportation of the Army and its supplies, including transportation of the troops when moving either by land or water, and of their baggage, including the cost of packing and crating; for transportation of recruits and recruiting parties; of applicants for enlistment between recruiting stations and recruiting depots; for travel allowance to enlisted men on discharge, and members of the National Guard who have been mustered into the service of the United States and are discharged for physical disabilities: *Provided*, That hereafter when an enlisted man having ten or more years' service in the Army is discharged on account of disability incurred in the line of duty, transportation of his authorized change of station allowance of baggage from his last duty station to his home in addition to other travel allowances fixed by law may be authorized by the Secretary of War: *Provided further*, That when members of the National Guard, who have been mustered into the service of the United States, have been discharged under the order of the War Department which provides that members of the National Guard with dependent families may be mustered out, transportation from their position on the Mexican border to their homes may be authorized by the Secretary of War; of persons on their discharge from the United States disciplinary barracks or from any place in which they have been held under a sentence of dishonorable discharge and confinement for more than six months, or from the Government Hospital for the Insane after transfer thereto from such barracks or place, to their homes (or elsewhere as they may elect), provided the cost in each case shall not be greater than to the place of last enlistment; of supplies furnished to the militia for the permanent equipment thereof; of the necessary agents and other employees, including per diem allowances in lieu of subsistence not exceeding $4 for those authorized to receive the per diem allowance; of clothing and equipage and other quartermaster stores from Army depots or places of purchase or delivery to the several posts and Army depots and from those depots to the troops in the field; of horse equipment: of ordnance and ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and Army depots; for payment of wharfage, tolls, and ferriages; for transportation of funds of the Army; for the hire of employees; for the payment of Army transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme

Digitized by Google

Court in cases decided under such land-grant acts), but in no case shall more than fifty per centum of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this Act a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulation as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed fifty per centum of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service: *And provided further*, That nothing in the preceding provisos shall be construed to prevent the accounting officers of the Government from making full payment to land-grant railroads for transportation of property or persons where the courts of the United States have held that such property or persons do not come within the scope of the deductions provided for in the land-grant Acts; for the purchase and hire of draft and pack animals in such numbers as are actually required for the service, including reasonable provision for replacing unserviceable animals; for the purchase, hire, operation, maintenance, and repair of such harness, wagons, carts, drays, other vehicles, and motor-propelled and horse-drawn passenger-carrying vehicles, as are required for the transportation of troops and supplies, and for official, military, and garrison purposes; for drayage and cartage at the several depots; for the hire of teamsters and other employees; for the purchase and repair of ships, boats, and other vessels required for the transportation of troops and supplies and for official, military, and garrison purposes; for expenses of sailing public transports and other vessels on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific Oceans, $23,000,000.

Provided further, That $75,000 of the appropriation hereby made shall be available for additional pay of employees on harbor boats, quartermaster service, in lieu of subsistence: *Provided further*, That authority is hereby granted the Secretary of War to sell or otherwise dispose of, in accordance with law and regulations, the United States Army transports Meade and Crook.

WATER AND SEWERS AT MILITARY POSTS: For procuring and introducing water to buildings and premises at such military posts and stations as from their situation require it to be brought from a distance; for the installation and extension of plumbing within buildings where the same is not specifically provided for in other appropriations; for the purchase and repair of fire apparatus, including fire-alarm systems; for the disposal of sewage, and expenses incident thereto, including the authorized issue of toilet paper; for repairs to water and sewer systems and plumbing within buildings; for hire of employees; and the preparation of camp sites, including the procurement of water, installation of water and sewer systems, construction of roads and the construction of temporary kitchens, mess shelters, latrines, bath houses and storehouses for the storage and safe keeping of supplies at mobilization camps in the several States for the forces called or drafted into the service of the United States, and to be available from June eighteenth, nineteen hundred and sixteen, $4,000,000.

CLOTHING AND CAMP AND GARRISON EQUIPAGE: For cloth, woolens, materials, and for the purchase and manufacture of clothing for the Army, for issue and for sale at cost price according to the Army Regulations; for payment for clothing not drawn due to enlisted men on discharge; for altering and fitting clothing and washing and cleaning when necessary; for equipage, including authorized issues of toilet articles, barbers' and tailors' materials, for use of general prisoners confined at military posts without pay or allowances and applicants for enlistment while held under observation; issue of toilet kits to recruits upon their first enlistment, and issue of housewives to the Army; for expenses of packing and handling, and similar necessaries; for a suit of citizen's outer clothing, to cost not exceeding $10, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence involving dishonorable discharge; for indemnity to officers and men of the Army for clothing and bedding, and so forth, destroyed since April twenty-second, eighteen hundred and ninety-eight, by order of medical officers of the Army for sanitary reasons, $20,280,000.

Digitized by Google

Provided, That hereafter the proceeds derived from the sale of surplus cuttings of material for clothing manufactured by the Quartermaster Corps of the Army shall be deposited to the credit of that appropriation out of which the material was purchased: *Provided further*, That hereafter sewing machines and other labor-saving machinery used in the manufacture of clothing and equipage, motor trucks and passenger-carrying vehicles, and band instruments, may be exchanged in part payment for new machines, vehicles, and instruments used for the same purpose as those proposed to be exchanged.

Provided further, That hereafter the accounting for Army supplies or property and the fixing of responsibility therefor shall be according to such regulations as may be prescribed by the Secretary of War.

Provided further, That all the money hereinbefore appropriated under the titles Subsistence of the Army; Regular supplies, Quartermaster Corps; Incidental expenses, Quartermaster Corps; Transportation of the Army and its supplies; Water and sewers at military posts, and Clothing and camp and garrison equipage, shall be disbursed and accounted for by officers and agents of the Quartermaster Corps as "Supplies, Services, and Transportation, Quartermaster Corps," and for that purpose shall constitute one fund.

HORSES FOR CAVALRY, ARTILLERY, ENGINEERS, AND SO FORTH: For the purchase of horses of ages, sex, and size as may be prescribed by the Secretary of War for remounts, for officers entitled to public mounts for the Cavalry, Artillery, Signal Corps, and Engineers, the United States Military Academy, service schools, and staff colleges, and for the Indian scouts, and for such Infantry and members of the Hospital Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, and for the hire of employees: *Provided*, That the number of horses purchased under this appropriation, added to the number now on hand, shall be limited to the actual needs of the mounted service, including reasonable provisions for remounts, and, unless otherwise ordered by the Secretary of War, no part of this appropriation shall be paid out for horses not purchased by contract after competition duly invited by the Quartermaster Corps and an inspection under the direction and authority of the Secretary of War. When practicable, horses shall be purchased in open market at all military posts or stations, when needed, at a maximum price to be fixed by the Secretary of War: *Provided further*, That no part of this appropriation shall be expended for the purchase of any horse below the standard set by Army Regulations for Cavalry and Artillery horses, except when purchased as remounts or for instruction of cadets at the United States Military Academy: *And provided further*, That no part of this appropriation shall be expended for polo ponies except for West Point Military Academy, and such ponies shall not be used at any other place, $2,500,000.

BARRACKS AND QUARTERS: For barracks, quarters, stables, storehouses, magazines, administration and office buildings, sheds, shops, and other buildings necessary for the shelter of troops, public animals, and stores, and for administration purposes, except those pertaining to the Coast Artillery; for constructing and repairing public buildings at military posts; for hire of employees; for rental of the authorized allowance of quarters for officers and acting dental surgeons on duty with the troops at posts and stations where no public quarters are available; of barracks or authorized allowance of quarters for noncommissioned officers and enlisted men on duty where public quarters are not available; of grounds for cantonments, camp sites, and other military purposes, and of buildings or portions of buildings for occupation by troops, for use as stables, storehouses, and offices, and for other military purposes; for the hire of recruiting stations and lodgings for recruits; for such furniture for the public rooms of officers' messes and for officers' quarters at millitary posts as may be approved by the Secretary of War; for wall lockers in permanent barracks, and refrigerators in barracks and quarters; for screen doors, window screens, storm doors and sash, and window shades for barracks, offices, and quarters, and for flooring and framing for tents, and for the National Guard when called or drafted into the service of the United States, $3,146,000: *Provided*, That the Secretary of War be, and he is hereby, authorized and directed to acquire, by purchase or condemnation, such additional land at Fort Sam Houston, Texas, as may be suitable for adequate supply depots and terminal facilities for Fort Sam Houston, and the Southern Department, considering present and future needs; and he is further authorized and directed to commence at the earliest practicable date the construction at Fort Sam Houston, Texas, of suitable buildings, storehouses, shops, yards, and all necessary appliances and appurtenances for the establishment of supply depots of the Quartermaster Corps, the Medical Department, the Corps of Engineers, and the Signal Corps, together with all facilities and utilities necessary for the operations of said depots, including such switch tracks, sidings, loading, and entraining platforms, and devices as may be necessary, said switch tracks and sidings to be connected under such regulations as the Secretary of War may prescribe, with such main

Digitized by Google

lines of railroads as are available and with which arrangement for such connection can be satisfactorily effected, equal opportunities to make such arrangements to be extended to all competing railroads; and for the purposes of this proviso the sum of $750,000 is hereby appropriated and authorized to be expended, out of any money in the Treasury not otherwise appropriated, under the direction of the Secretary of War: *Provided further*, That the Secretary of War is authorized to expend from the above amount not to exceed $110,000 for the purpose of providing temporary shelter on the Canal Zone for one regiment of Infantry and one company of Engineers.

Provided further, That no part of the moneys so appropriated shall be paid for commutation of fuel or quarters to officers or enlisted men: *And provided further*, That the number of and total sum paid for civilian employees in the Quartermaster Corps shall be limited to the actual requirements of the service, and that no employee therein shall receive a salary of more than $150 per month, except upon the approval of the Secretary of War.

Provided further, That the Dowsett Company (Limited), a corporation of the Territory of Hawaii, assignee of the thirty-year leasehold interest granted to Harvey E. Whitney, by lease dated January fourteenth, eighteen hundred and eighty-two, in lands now comprised within the military reservation of Schofield Barracks, in the Territory of Hawaii, and its subleesee, be, and they are hereby, given permission to remove, within such time after the passage of this Act as the Secretary of War may designate, all buildings erected by them, respectively, on said lands during the term of said original lease to Harvey E. Whitney, but not including fences or other improvements: *Provided further*, That in the event of their failure to remove the same within such time as the Secretary of War may designate, said buildings shall become the property of the United States as provided in said original lease.

For repairs to buildings, wharves, roads, and replacement of boats at Forts Barrancas, McRee, and Pickens, Florida, and Fort Morgan, Alabama, damaged by the hurricane of July fifth, nineteen hundred and sixteen, $50,000.

MILITARY POST EXCHANGES: For continuing the construction, equipment, and maintenance of suitable buildings at military posts and stations for the conduct of the post exchange, school, library, reading, lunch, amusement rooms, and gymnasium, including repairs to buildings erected at private cost, in the operation of the Act approved May thirty-first, nineteen hundred and two, for the rental of films, purchase of slides, supplies for and making repairs to moving-picture outfits, to be expended in the discretion and under the direction of the Secretary of War, $48,592.

ROADS, WALKS, WHARVES, AND DRAINAGE: For the construction and repair by the Quartermaster Corps of roads, walks, and wharves; for the pay of employees; for the disposal of drainage; for dredging channels; and for care and improvement of grounds at military posts and stations, $860,534: *Provided*, That $6,000 of this sum may be used for repairing the military road in front of the east side of Arlington Cemetery.

Provided, That not to exceed $30,000 thereof shall be expended in the Presidio of San Francisco, California, for the construction of a road connecting Fort Winfield Scott with the road constructed by the city and county of San Francisco leading to Fort Miley, in said city and county.

That the United States hereby consents to the closing and abandoning of such public streets or parts of public streets in the city and county of San Francisco lying north of Tonquin Street therein and east of the eastern boundary of the Presidio of San Francisco and within the site heretofore selected by the trustees of the California State Normal School of San Francisco in accordance with an act of the Legislature of California, and the United States hereby waives claim to said streets within said site and hereby grants to the State of California for the uses and purposes of said State Normal School all title of the United States thereto; and to effect the purposes hereof the Attorney General of the United States is hereby authorized and requested to cause appearance to be made in the name and on behalf of the United States in any suit to condemn property within said site for the uses and purposes of said State Normal School in the courts of the State of California wherein the State of California is plaintiff, and in said suit, upon request of the attorney general of the State of California, to file on behalf of the United States a disclaimer on its part of any interest in said streets or the land embraced within said portions of said streets and within said site: *Provided*, That in the event said streets shall not be closed and in the event said site so selected is not used for the purposes of said State Normal School all rights of the United States shall be and remain as they are at the time of the passage of this Act.

That the Secretary of War is hereby authorized to grant to the Panama-Pacific International Exposition Company and its successors in interest a permit to occupy such portion of the Presidio of San Francisco Military Reservation as may be designated by the Secretary of War for the purpose hereinafter set forth, subject to the

Digitized by Google

said privilege being revoked at any time when, in the opinion of the Secretary of War, the military necessities of the United States shall require the use of said portion of said Presidio of San Francisco Military Reservation, for the purpose of maintaining thereon, making repairs upon, or alterations in said Palace of Fine Arts and its appurtenances, approaches, and planting about the same for the use of said Panama-Pacific International Exposition Company and its successors in interest; and the United States hereby cedes to the State of California such jurisdiction over said portion of said military reservation as the said State now possesses elsewhere within its territory, such cession to be coextensive territorily with the lands the use whereof may be granted to the Panama-Pacific International Exposition Company and its successors by the Secretary of War in accordance herewith and to terminate without further action on the part of the State of California upon the revocation or termination of the privilege: *Provided*, That the cession of jurisdiction made by this act shall take effect upon the termination of the cession of jurisdiction made by the joint resolution of Congress approved October twenty-second, nineteen hundred and fourteen, on the condition that the same is accepted by the Legislature of the State of California at its first session after the passage of this act, this cession to be without prejudice to the jurisdiction of the United States to try and punish all crimes committed within said portion of said military reservation prior to the date jurisdiction vested in the State under said joint resolution approved October twenty-second, nineteen hundred and fourteen: *Provided further*, That when the United States shall resume possession of said lands, or any part thereof, the jurisdiction herein ceded over said lands so repossessed shall revest in the United States: *And provided further*, That in the event of the failure of said Exposition Company, or its successors, on the revocation of this privilege, to remove the buildings and improvements thereon, they shall then vest in and become the property of the United States: *And provided further*, That the privileges herein granted shall only apply so long as the building in question is used as an art museum, and for no other purpose.

CONSTRUCTION, REPAIR AND MAINTENANCE, MILITARY AND POST ROADS, BRIDGES, AND TRAILS, ALASKA: Construction, repair and maintenance of military and post roads, bridges, and trails, Territory of Alaska, $500,000.

BARRACKS AND QUARTERS, PHILIPPINE ISLANDS: Continuing the work of providing for the proper shelter and protection of officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands, including repairs and payment of rents, the acquisition of title to building sites, and such additions to existing military reservations as may be necessary, and including also shelter for the animals and supplies, and all other buildings necessary for post administration purposes, $790,000.

Provided, That no part of said sum shall be expended for the construction of quarters for officers of the Army the total cost of which, including the heating and plumbing apparatus, wiring and fixtures, shall exceed in the case of quarters of a general officer the sum of $8,000; of a colonel or officer above the rank of captain, $6,000; and of an officer of and below the rank of captain, $4,000.

CONSTRUCTION AND REPAIR OF HOSPITALS: For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including also all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Arkansas, and for the construction and repair of general hospitals and expenses incident thereto, and for additions needed to meet the requirements of increased garrisons, and for temporary hospitals in standing camps and cantonments, $409,963.

QUARTERS FOR HOSPITAL STEWARDS: For construction and repair of quarters for hospital stewards at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, $14,043.

SHOOTING GALLERIES AND RANGES: For shelter, shooting galleries, ranges for small arms target practice, machine-gun practice, field-artillery practice, repairs, and expenses incident thereto, including flour or paste for marking targets, hire of employees, such ranges and galleries to be open as far as practicable to the National Guard and organized rifle clubs under regulations to be prescribed by the Secretary of War, $49,000.

Target range, Vancouver Barracks, Washington: For the acquisition of approximately five hundred and four acres of land situated near the city of Vancouver, Washington, to provide suitable target ranges for each arm of the military service stationed at Vancouver Barracks, Washington, and for the construction thereon of suitable target butts, range buildings, water supply, and so forth, $100,000.

For acquisition of private holdings now embraced in the Fort Bliss target range, situated in Dona Ana County, New Mexico, by condemnation or by purchase, $7,120.

Digitized by Google

For sinking additional wells to augment the present insufficient water supply and for the construction of new ranges, $28,000.

MAINTENANCE, ARMY WAR COLLEGE: For supplying the necessary fuel for heating the Army War College building at Washington Barracks and for lighting the building and grounds; also for pay of a chief engineer, at $1,400 per annum; and assistant engineer, at $900; four firemen, at $720 each; one elevator conductor, at $720; $10,700.

RENT OF BUILDINGS, QUARTERMASTER CORPS: For rent of buildings and parts of buildings in the District of Columbia for military purposes, during the fiscal year nineteen hundred and seventeen, as follows:

Field medical supply depot, $7,967.10:
Signal Corps test rooms, $2,100;
Quartermaster stable, $2,700;
Quartermaster stable and storehouse, $4,938;
Quartermaster stable and warehouse, $3,600;
For Army Medical School, $8,680;
For attending surgeon and retiring board, $3,000;
Depot quartermaster office, $2,500;
Garage, Quartermaster Corps, $1,500;
One room for storage purposes, Quartermaster Corps, $54.

CLAIMS FOR DAMAGES TO AND LOSS OF PRIVATE PROPERTY: For payment of claims for damages to and loss of private property incident to the training, practice, and operations of the Army that have accrued, or may hereafter accrue, from time to time, to be immediately available and to remain available until expended: *Provided*, That settlement of such claims shall be made by the Auditor for the War Department, upon the approval and recommendation of the Secretary of War, where the amount of damages has been ascertained by the War Department, and payment thereof will be accepted by the owners of the property in full satisfaction of such damages, $5,000.

MEDICAL DEPARTMENT.

MEDICAL AND HOSPITAL DEPARTMENT: For the purchase of medical and hospital supplies, including motor ambulances, and motorcycles for medical service, their maintenance, repair, and operation, and disinfectants, and the exchange of typewriting machines, for military posts, camps, hospitals, hospital ships and transports, and supplies required for mosquito destruction in and about the military posts in the Canal Zone: *Provided*, That the Secretary of War may in his discretion select types and makes of motor ambulances for the Army and authorize their purchase without regard to the laws prescribing advertisement for proposals for supplies and material for the Army: *Provided further*, That hereafter, whenever contracts which are not to be performed within sixty days are made on behalf of the Government by the Surgeon General or by officers of the Medical Department authorized to make them, and are in excess of $500 in amount, such contracts shall be reduced to writing and signed by the contracting parties, but in all other cases contracts shall be prepared under such regulations as may be prescribed by the Surgeon General; for expenses of medical supply depots; for medical care and treatment not otherwise provided for, including care and subsistence in private hospitals, of officers, enlisted men and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation, or contract: *Provided*, That this shall not apply to officers and enlisted men who are treated in private hospitals or by civilian physicians while on furlough; for the proper care and treatment of epidemic and contagious diseases in the Army or at military posts or stations, including measures to prevent the spread thereof, and the payment of reasonable damages not otherwise provided for, for bedding and clothing injured or destroyed in such prevention; for the pay of male and female nurses, not including the Nurse Corps (female), and of cooks and other civilians employed for the proper care of sick officers and soldiers, under such regulations fixing their number, qualifications, assignment, pay, and allowances as shall have been or shall be prescribed by the Secretary of War; for the pay of civilian physicians employed to examine physically applicants for enlistment and enlisted men, and to render other professional services from time to time under proper authority; for the pay of other employees of the Medical Department; for the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the Hospital Corps; for the supply of the Army and Navy hospital at Hot Springs, Arkansas; for advertising, printing, binding, laundry, and all other necessary miscellaneous expenses of the Medical Department, $4,500,000, of which sum $500,000 may be used under the direction of

Digitized by Google

the Secretary of War in the erection or rental of temporary hospitals for the care and shelter of the sick and injured: *Provided*, That so much of the Act of June third, nineteen hundred and sixteen, as relates to the age limit for eligibility to appointment of first lieutenant in the Medical Department of the Army, be, and the same is hereby, repealed: *Provided further*, That after January first, nineteen hundred and eighteen, the maximum age limit for eligibility to appointment of first lieutenants in the Medical Department of the Army shall be thirty-two years.

HOSPITAL CARE, CANAL ZONE GARRISONS: For paying the Panama Canal such reasonable charges, exclusive of subsistence, as may be approved by the Secretary of War for caring in its hospitals for officers, enlisted men, military prisoners and civilian employees of the Army admitted thereto upon the request of proper military authority: *Provided*, That the subsistence of the said patients, except commissioned officers and acting dental surgeons, shall be paid to said hospitals out of the appropriation for subsistence of the Army at the rates provided therein for commutation of rations for enlisted patients in general hospitals, $45,000.

ARMY MEDICAL MUSEUM AND LIBRARY: For Army Medical Museum, preservation of specimens, and the preparation and purchase of new specimens, $5,000;

For the library of the Surgeon General's office, including the purchase of the necessary books of reference and periodicals, $10,000.

BUREAU OF INSULAR AFFAIRS.

CARE OF INSANE FILIPINO SOLDIERS: For care, maintenance, and treatment at asylums in the Philippine Islands of insane natives of the Philippine Islands cared for in such institutions conformable to the act of Congress approved May eleventh, nineteen hundred and eight (Thirty-fifth Statutes, page one hundred and twenty-two), $1,500.

CARE OF INSANE SOLDIERS, PORTO RICO REGIMENT OF INFANTRY: For care, maintenance, and treatment at asylums in Porto Rico of insane soldiers of the Porto Rico Regiment of Infantry, $300.

ENGINEER DEPARTMENT.

ENGINEER DEPOTS: For incidental expenses for the depots, including fuel, lights, chemicals, stationery, hardware, machinery, pay of civilian clerks, mechanics, laborers, and other employees, extra-duty pay to soldiers necessarily employed for periods not less than ten days as artificers on work in addition to and not strictly in the line of their military duties, such as carpenters, blacksmiths, draftsmen, printers, lithographers, photographers, engine drivers, telegraph operators, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers; for lumber and materials and for labor for packing and crating engineer supplies; repairs of, and for materials to repair, public buildings, machinery, and instruments, and for unforeseen expenses, $27,500.

ENGINEER SCHOOL, WASHINGTON, DISTRICT OF COLUMBIA: Equipment and maintenance of the Engineer School at Washington Barracks, District of Columbia, including purchase and repair of instruments, machinery, implements, models, and materials, for the use of the school and for instruction of engineer troops in their special duties as sappers and miners; for land mining, pontoniering, and signaling; for purchase and binding of professional works and periodicals of recent date treating on military and civil engineering and kindred scientific subjects for the library of the United States Engineer School; for incidental expenses of the school, including chemicals, stationary, hardware, machinery, and boats; for pay of civilian clerks, draftsmen, electricians, mechanics, and laborers; compensation of civilian lecturers and payment of tuition fees of student officers at civil technical institutions; for unforeseen expenses; for travel expenses of officers on journeys approved by the Secretary of War and made for the purpose of instruction: *Provided*, That the traveling expenses herein provided for shall be in lieu of mileage and other allowances; and to provide means for the theoretical and practical instruction at the Engineer School by the purchase of textbooks, books of reference, scientific and professional papers, and for other absolutely necessary expenses, $25,000.

For one power lithographic press for the Engineer School, $6,000.

For the purchase of material to be used in the construction of a trade school building at the Engineer School, to remain available until expended, $9,000.

ENGINEER EQUIPMENT OF TROOPS: For pontoon material, tools, instruments, supsupplies and appliances required for use in the engineer equipment of troops, for military surveys, and for engineer operations in the field, including the purchase

Digitized by Google

and preparation of engineer manuals and procurement of special paper for same, and for a reserve supply of above equipment, to be immediately available, $1,000,000.

Provided, That authority is granted for the purchase, maintenance, and repair and operation from this appropriation of not to exceed thirty-eight motorcycles, including those on hand.

CIVILIAN ASSISTANTS TO ENGINEER OFFICERS: For services of surveyors, survey parties, draftsmen, photographers, master laborers, and clerks to Engineer officers on the staffs of division, corps, and department commanders, $75,000.

ENGINEER OPERATIONS IN THE FIELD: For expenses incident to military engineer operations in the field, including the purchase of material and a reserve of material for such operations, the purchase, operation, maintenance, and repair of passenger-carrying vehicles, and such expenses as are ordinarily provided for under appropriations for "Engineer depots," "Civilian assistants to Engineer officers," and "Maps, War Department," $100,000.

CONTINGENCIES, ENGINEER DEPARTMENT, PHILIPPINE ISLANDS: For contingent expenses incident to the operations of the Engineer Department in the Philippine Islands, to be expended at the discretion of the Secretary of War, $4,000.

The following-described tract of land on the island of Oahu, Hawaii, known as the Puuloa Military Reservation, is hereby transferred to and placed under the control and jurisdiction of the Navy Department for use for naval purposes: Beginning at a concrete monument on the beach on the west side of the entrance to Pearl Harbor situated about ninety feet south of the small pier and one hundred and twenty-two and five-tenths feet from the southeast corner of storehouse (from which said concrete monument Salt Lake triangulation station bears by true azimuth two hundred and thirty-eight degrees twenty-two minutes and the spire of Puuloa Church two hundred and forty-seven degrees two minutes) the boundary runs by true bearings as follows: Southwesterly along the shore at high-water mark to a similar concrete monument on the ocean beach; thence north fourteen degrees twenty minutes west one thousand one hundred and fifty feet to a concrete monument; north sixty-two degrees ten minutes east seven thousand nine hundred and forty-five feet to the point of beginning; containing three hundred and twenty-two and thirty-three one hundredths acres, more or less.

Where the expenses of persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty are chargeable to appropriations of the Engineer Department contained in the Army appropriation Act for the fiscal year nineteen hundred and seventeen, a per diem rate of $4 may be allowed in lieu of subsistence.

ORDNANCE DEPARTMENT.

ORDNANCE SERVICE: For the current expenses of the Ordnance Department in connection with purchasing, receiving, storing, and issuing ordnance and ordnance stores, comprising police and office duties, rents, tolls, fuel, light, water, and advertising, stationery, typewriters, and adding machines, including their exchange, and office furniture, tools, and instruments of service; for incidental expenses of the Ordnance Service and those attending practical trials and tests of ordnance, small arms, and other ordnance stores; for publications for libraries of the Ordnance Department, including the Ordnance Office; subscriptions to periodicals, which may be paid for in advance; and payment for mechanical labor in the office of the Chief of Ordnance; and for purchase, maintenance, repair, and operation of motor-propelled or horse-drawn passenger-carrying vehicles, $475,000.

ORDNANCE STORES, AMMUNITION: Manufacture and purchase of ammunition for small arms and for hand use for reserve supply, ammunition for burials at the National Soldiers' Home in Washington, District of Columbia, ammunition for firing the morning and evening gun at military posts prescribed by General Orders, Numbered Seventy, Headquarters of the Army, dated July twenty-third, eighteen hundred and sixty-seven, and at National Home for Disabled Volunteer Soldiers and its several branches, including National Soldiers' Home in Washington, District of Columbia, and soldiers' and sailors' State homes, $10,000,000.

Provided, That not more than $5,000,000 of this appropriation may be used in the purchase of ammunition.

Provided further, That $250,000 of this appropriation may be used to procure gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings necessary for the manufacture by the Government and by private manufacturers of ammunition necessary for the use of the land forces of the United States in time of war, and in the purchase of lots of ammunition to complete the object of this proviso the existing laws prescribing competition in the procure-

Digitized by Google

ment of supplies by purchase shall not govern in orders not to exceed $50,000 in any one case.

SMALL-ARMS TARGET PRACTICE: For manufacture and purchase of ammunition, targets, and other accessories for small-arms, hand, and machine-gun target practice and instruction; marksmen's medals, prize arms, and insignia for all arms of the service; and ammunition, targets, target materials, and other accessories may be issued for small-arms target practice and instruction of able-bodied males capable of bearing arms and at the educational institutions and State soldiers' and sailors' orphans' homes to which issues of small arms are lawfully made, under such regulations as the Secretary of War may prescribe, provided the total value of the stores so issued to the educational institutions and homes does not exceed $30,000, $3,000,000.

Provided, That not more than $1,500,000 of this appropriation may be used for the purchase of articles not manufactured by the Government and necessary for small-arms target practice.

MANUFACTURE OF ARMS: For manufacturing, repairing, procuring, and issuing arms at the national armories, $5,000,000.

Provided, That $200,000 of this appropriation may be used to procure gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings, necessary for the manufacture by private manufacturers, of arms necessary to arm the land forces likely to be required by the United States in time of war, and in the purchase of lots of arms to complete the object of this proviso the existing laws prescribing competition in the procurement of supplies by purchase shall not govern in orders not to exceed $50,000 in any one case.

The Secretary of War is hereby authorized to issue, under such rules and regulations as he may prescribe, for use in target practice, targets, target materials, and other necessary accessories, to rifle clubs organized under the rules of the National Board for the Promotion of Rifle Practice and to schools having a uniformed corps of cadets and carrying on military training, in sufficient number for the proper conduct of target practice.

ORDNANCE STORES AND SUPPLIES: For overhauling, cleaning, repairing, and preserving ordnance and ordnance stores in the hands of troops and at the arsenals, posts, and depots; for purchase and manufacture of ordnance stores to fill requisitions of troops; for Infantry, Cavalry, and Artillery equipments, including horse equipments for Cavalry and Artillery, $9,500,000.

Provided, That not more than $5,600,000 of this appropriation may be used for the purchase of ordnance stores.

The Secretary of War is hereby authorized to sell, at the prices fixed and published by the Chief of Ordnance, to the Government of Cuba such articles and quantities of ordnance and ordnance stores as may be desired by that Government for the equipment of its troops and as may be approved by the President of the United States.

NATIONAL TROPHY AND MEDALS FOR RIFLE CONTESTS: For the purpose of furnishing a national trophy and medals and other prizes to be provided and contested for annually, under such regulations as may be prescribed by the Secretary of War, said contest to be open to the Army, Navy, Marine Corps, and the National Guard or Organized Militia of the several States, Territories, and of the District of Columbia, members of rifle clubs, and civilians, and for the cost of the trophy, prizes, and medals herein provided for, and for the promotion of rifle practice throughout the United States, including the reimbursement of necessary expenses of members of the National Board for the Promotion of Rifle Practice, to be expended for the purposes hereinbefore prescribed under the direction of the Secretary of War, $10,000.

AUTOMATIC MACHINE RIFLES: For the purchase, manufacture, and test of automatic machine rifles, including their sights and equipments, to be available until the close of the fiscal year ending June thirtieth, nineteen hundred and eighteen, $6,000,000.

AUTOMATIC MACHINE RIFLES: For the purchase, manufacture, and test of automatic machine rifles, including their sights and equipments, for the National Guard, to be available until the close of the fiscal year ending June thirtieth, nineteen hundred and eighteen, $6,000,000.

ARMORED MOTOR CARS: For the purchase and manufacture of armored motor cars, $500,000.

FIELD ARTILLERY FOR NATIONAL GUARD: For the purpose of manufacturing field artillery material for the National Guard of the several States, Territories, and the District of Columbia, but to remain the property of the United States and to be accounted for in the manner now prescribed by law, the Secretary of War is hereby authorized, under such regulations as he may prescribe, on the requisitions of the governors of the several States and Territories or the commanding general of the National Guard of the District of Columbia, to issue said artillery material to the National Guard; and the sum of $10,000,000 is hereby appropriated and made immediately

Digitized by Google

available and to remain available until the end of the fiscal year nineteen hundred and eighteen, for the manufacture and issue of the articles constituting the same *Provided*, That not more than $5,000,000 of this appropriation may be used for the purchase of field artillery material.

AMMUNITION FOR FIELD ARTILLERY FOR THE NATIONAL GUARD: For the purpose of manufacturing reserve ammunition for Field Artillery for the National Guard of the several States, Territories, and the District of Columbia, the funds to be immediately available, and to remain available until the end of the fiscal year ending June thirtieth, nineteen hundred and eighteen, $10,000,000.

Provided, That not more than $5,000,000 of this appropriation may be used in the purchase of Field Artillery reserve ammunition.

Provided further, That not more than $200,000 of this appropriation may be used to procure gauges, dies, jigs, tools, fixtures, and other special aids and appliances, including specifications and detailed drawings necessary for the manufacture by private manufacturers of Field Artillery ammunition necessary for the use of the land forces of the United States in time of war, and in the purchase of lots of ammunition to complete the object of this proviso the existing laws prescribing competition in the procurement of supplies by purchase shall not govern in orders not to exceed $50,000 in any one case.

Provided further, That the appropriations hereinbeforemade under the heading "Ordnance Department" shall be available for the payment of an allowance not to exceed $4 per day in lieu of subsistence to civilian employees of the Ordnance Department traveling on official business outside of the District of Columbia and away from their designated posts of duty.

That the President is authorized to appoint, and, by and with the advice and consent of the Senate, to commission to the grade of first lieutenant in the Quartermaster Corps, United States Army, a pay clerk of over thirty-one years' service, now in active service, and who has been recommended by the then Secretary of War for such appointment.

That for the replacement of a bridge across the Republican River near Fort Riley, Kansas, under the direction of the Secretary of War, $30,000, or so much thereof as may be necessary, and the Treasurer of the United States is hereby directed and authorized to retain, out of any moneys due or that may become due from the Government of the United States to the State of Kansas, a sum equal to the amount expended for the replacement of said bridge.

The President, in time of war, is empowered, through the Secretary of War, to take possession and assume control of any system or systems of transportation, or any part thereof, and to utilize the same, to the exclusion as far as may be necessary of all other traffic thereon, for the transfer or transportation of troops, war material and equipment, or for such other purposes connected with the emergency as may be needful or desirable.

NATIONAL GUARD.

ARMING, EQUIPPING, AND TRAINING THE NATIONAL GUARD: To provide for the purchase, under such regulations as the Secretary of War may prescribe, of horses conforming to the Regular Army standards for the use of Field Artillery, Cavalry, signal companies, engineer companies, ambulance companies, and other mounted units of the National Guard, said horses to remain the property of the United States and to be used solely for military purposes. Horses so purchased may be issued not to exceed thirty-two to any one battery, troop, or company, or four to a battalion or regimental headquarters, under such regulations as the Secretary of War may prescribe, $50,000.

To provide for the procurement of forage, bedding, shoeing, veterinary service and supplies for horses that may be owned by, or issued to organizations of the National Guard, $25,000.

To provide for the compensation of competent help for the care of matériel, animals, and equipment thereof, under such regulations as the Secretary of War may prescribe: *Provided*, That the men to be compensated, not to exceed five for each battery, troop, or company, shall be duly enlisted therein and shall be detailed by the battery, troop, or company commander under such regulations as the Secretary of War may prescribe, and shall be paid by the United States disbursing officer in each State, Territory, and the District of Columbia, $25,000.

To provide for the participation of the whole or any part of the National Guard in encampments, maneuvers, or other exercises, including outdoor target practice and field and coast-defense instruction, either independently or in conjunction with any part of the Regular Army, and there may be set aside from the funds apportioned for that purpose and allotted to any State, Territory, or the District of Columbia

Digitized by Google

such portion of said funds as may be necessary for the payment, subsistence, transportation, and other proper expenses of such portion of the National Guard of said State, Territory, or the District of Columbia as shall participate in such encampments, maneuvers, or other exercises, including outdoor target practice and field and coast-defense instruction; and the officers and enlisted men of such National Guard while so engaged shall be entitled to the same pay, subsistence, and transportation as officers and enlisted men of corresponding grades of the Regular Army are or hereafter may be entitled to by law: To provide for camps of instruction for the instruction of officers and enlisted men of the National Guard. Such camps shall be conducted by officers of the Regular Army detailed by the Secretary of War for the purpose, and may be located either within or without the State, Territory, or District of Columbia to which the members of the National Guard designated to attend said camps shall belong. Officers and enlisted men attending such camps shall be entitled to pay and transportation, and enlisted men to subsistence in addition at the same rates as for encampments or maneuvers for field and coast-defense instruction. To be immediately available, $500,000: *Provided*, That of this sum $100,000, or as much thereof as may be necessary, is authorized to be expended for the payment of transportation of troops of the Regular Army in connection with joint camps of instruction of the National Guard: *Provided further*, That hereafter nothing in the act of February fourth, eighteen hundred and eighty-seven, known as the act to regulate commerce, or any amendments thereto, shall be construed to prohibit any common carrier from giving reduced rates for members of National Guard organizations traveling to and from joint encampments with the Regular Army.

To provide for the attendance of selected officers or enlisted men of the National Guard who pursue a regular course of study at any military service school of the United States except the United States Military Academy; or to be attached to an organization of the same arm, corps, or department, to which such officers or enlisted men shall belong, for routine practical instruction at or near an Army post during a period of field training or other outdoor exercises; and such officer or enlisted men shall receive out of any National Guard allotment of funds available for the purpose, the same travel allowances and quarters or commutation of quarters, and the same pay, allowance, and subsistence to which officers or enlisted men of the Regular Army would be entitled for attending such school, college, or practical course of instruction under orders from proper military authority while in actual attendance at such school, college, or practical course of instruction, $50,000: *Provided*, That in no case shall the pay and allowances authorized herein exceed those of a captain.

To provide for pay and allowances of officers of the National Guard assigned to duty in the Militia Bureau, $12,000.

To provide for pay of property and disbursing officers of the several States, Territories, and District of Columbia, $44,150.

For providing arms, ordnance stores, quartermaster stores, camp equipage, and all other military supplies for issue to the National Guard; for the promotion of rifle practice, including the acquisition, construction, maintenance and equipment of shooting galleries and suitable target ranges; for the hire of horses and draft animals for the use of mounted troops, batteries, and wagons; for forage for the same; and for such other incidental expenses in connection with lawfully authorized encampments, maneuvers, and field instruction as the Secretary of War may deem necessary; and for such other expenses pertaining to the National Guard as are now or may hereafter be authorized by law, $1,000,000: *Provided*, That the Secretary of War is hereby authorized to relieve any State, Territory, or the District of Columbia from further accountability for all United States property issued thereto for the use of the Organized Militia thereof which the records of the War Department show to have been lost or destroyed prior to December thirty-first, nineteen hundred and eleven.

To provide for the necessary clerical and office expenses of the Militia Bureau authorized by section sixty-seven of the act approved June third, nineteen hundred and sixteen: Chief clerk, $2,000; clerks—two of class four, three of class three, seven of class two, fifteen of class one, eight at $1,000 each; messenger; two assistant messengers; two laborers, at $660 each per annum;

For miscellaneous expenses, including stationery, furniture, telegraph and telephone service, and necessary printing and binding, $4,000;

Travel of Federal officers in carrying out the provisions of section ninety-three of the act of June third, nineteen hundred and sixteen, $17,500;

Travel of inspector-instructors and sergeant-instructors, joining at State stations for duty and returning to duty with regiments, $7,500;

Travel of inspector-instructors in making visits of instruction to armories, $30,000: *Provided*, That said inspector-instructors traveling shall not receive more than their actual expenses out of these appropriations;

Digitized by Google

Travel of Federal officers in connection with State camps of instruction and joint camps, $30,000;

Inspection of target ranges and mobilization camps for use of the National Guard, $1,000;

Inspection of material pertaining to Field Artillery and Signal Corps in the hands of the National Guard, $2,000;

Transportation of supplies (including transportation of animals bought for the use of Cavalry, Field Artillery, signal companies, Engineer companies, ambulance companies, and other mounted units) of the National Guard, $75,000;

Expenses of sergeant-instruc ors on duty with the National Guard, including quarters, fuel, light, medicines, and medical attendance, $50,000;

Provided, That whenever practicable inspector-instructors shall use the State armories for offices;

Office rent of inspector-insructors, $12,500.

All the money hereinbefore appropriated for arming, equipping, and training the National Guard shall be disbursed and accounted for as such and for that purpose shall constitute one fund.

ARMS, UNIFORMS, EQUIPMENT, AND SO FORTH, NATIONAL GUARD: To procure by purchase or manufacture and issue from time to time to the National Guard upon requisition of the governors of the several States and Territories, or the commanding general, National Guard of the District of Columbia, such number of United States service arms with all accessories, Field Artillery and Coast Artillery material, engineer, signal, and sanitary material, accouterments, field uniforms, clothing, equipage, publications, and military stores of all kinds, including public animals, as are necessary to arm, uniform, and equip for field service the National Guard in the several States, Territories, and the District of Columbia: *Provided*, That of the sum herein appropriated $76,000, or so much thereof as may be required, may, in the discretion of the Secretary of War, be made available for the purchase and maintenance of material and equipment necessary for the proper instruction in military aviation of such officers and enlisted men of the National Guard as may be authorized by the War Department to attend the United States Aviation School, $2,000 000.

RANGES FOR FIELD ARTILLERY TARGET PRACTICE: For the acquisition by purchase or condemnation of the necessary land for suitable ranges for Field Artillery target practice, the land to be of such general character as to permit of use for instruction of troops of other arms to be located within the eastern and western military departments, and to defray the expenses incident to locating and acquiring title thereto, $300,000.

SUPPLYING AND EXCHANGING INFANTRY EQUIPMENT, NATIONAL GUARD: For the purpose of manufacturing, procuring, exchanging, and issuing model of nineteen hundred and ten equipment to the Infantry and other dismounted organizations of the National Guard of the several States, Territories, and the District of Columbia: *Provided*, That whenever in the opinion of the Secretary of War a sufficient number of Infantry equipment, model of nineteen hundred and ten, shall have been procured and shall be available for the purpose the Secretary of War is hereby authorized to issue on the requisition of the governors of the several States and Territories, or the commanding general of the District of Columbia National Guard, such numbers thereof as are required for equipping the National Guard in said States, Territories, and the District of Columbia, without charging the cost or value thereof or any expenses connected therewith against any allotments to said States, Territories, or the District of Columbia: *Provided*, That the equipment thus issued shall be receipted for and shall remain the property of the United States and be annually accounted for by the governors of the several States, Territories, and the commanding general of the District of Columbia National Guard as now required by law, and that each State, Territory, and the District of Columbia shall, upon receipt of new equipment, turn in to the Ordnance Department of the United States Army, without receiving any money credit therefor and without expense for transportation of Infantry equipment now in its possession, the property of the United States, and replaced by articles of the model of nineteen hundred and ten equipment, $400,000.

To establish and maintain indoor and outdoor rifle ranges for the use of all able-bodied males capable of bearing arms, under reasonable regulations to be prescribed by the National Board for Promotion of Rifle Practice and approved by the Secretary of War; to provide standard military arms and ammunition, indoor gallery rifles and ammunition; for the employment of labor in connection with the establishment of outdoor and indoor rifle ranges, including labor in operating targets; for the employment of instructors; for clerical services; for prizes, trophies, badges, and other insignia; for the transportation of employees, instructors, and civilians to engage in practice; for the purchase of materials, supplies, and services, and for expenses incidental to instruction of citizens of the United States in marksmanship, to be expended under the

Digitized by Google

direction of the Secretary of War and to remain available until expended, $300,000: *Provided*, That the President be, and he is hereby, authorized, in his discretion, to appoint, as Director of Civilian Marksmanship, under the direction of the Secretary of War, an officer of the Army or of the Marine Corps.

To provide for the expense of maintaining, upon military reservations or elsewhere, camps for the military instruction and training of such citizens as may be selected for such instruction and training, under such regulations as may be prescribed by the Secretary of War, and to furnish to said citizens the subsistence, transportation, and uniforms authorized by the act of Congress approved June third, nineteen hundred and sixteen, $2,000,000: *Provided*, That so much of this appropriation as may be necessary shall be available for the subsistence and transportation of all persons between the ages of eighteen and forty-five years who have attended any camp authorized by the Secretary of War during the calendar year nineteen hundred and sixteen.

For the payment of transportation of teams authorized by the Secretary of War to participate in the national matches, $60,000: *Provided*, That this amount shall be proportioned among the several States, Territories, and the District of Columbia, according to the distance from the seat of government to the place where the national matches are to be held: *And provided further*, That the governors of the States or Territories or the Board of Commissioners of the District of Columbia may designate which team or teams shall attend from their respective States, Territories, or District of Columbia.

Provided, That no part of the appropriations made in this Act shall be available for the salary or pay of any officer, manager, superintendent, foreman, or other person having charge of the work of any employee of the United States while making or causing to be made with a stop watch, or other time-measuring device, a time study of any job of any such employee between the starting and completion thereof, or of the movements of any such employee while engaged upon such work; nor shall any part of the appropriations made in this Act be available to pay any premium or bonus or cash reward to any employee in addition to his regular wages, except for suggestions resulting in improvements or economy in the operation of any Government plant.

That the sum of $2,000,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the Secretary of War, and under such rules and regulations as he may prescribe, for the support of, at a cost of not more than $50 per month, or so much of said amount as the Secretary of War may deem necessary, and not more than such enlisted man has been contributing monthly to the support of his family at the time of his being called or drafted into the service of the United States or during his enlistment period in the Regular Army at the time of such call or draft of the Organized Militia or National Guard, the family of each enlisted man of the Organized Militia or National Guard called or drafted into the service of the United States until his discharge from such service, and the family of each enlisted man of the Regular Army until his discharge from active service therein or until the discharge of the Organized Militia or National Guard from such service if such enlisted man is at that time in active service in the Regular Army, which family during the term of service of such enlisted man has no other income, except the pay of such enlisted man, adequate for the support of said family: *Provided*, That the action of the Sectetary of War in all cases provided for in this paragraph shall be final, and no right to prosecute a suit in the Court of Claims or in any other court of the United States against the Government of the United States shall accrue to such enlisted man, or to any member of the family of any such enlisted man, by virtue of the passage of this Act: *And provided further*, That this paragraph shall not apyly to any such enlisted man who shall marry after the fifteenth day of July, nineteen hundred and sixteen; and the word "family" shall include only wife, children, and dependent mothers.

That no part of the appropriations made in this Act shall be available for the salary or pay of any person hereafter, in time of peace, appointed an officer in the Army who is not a citizen of the United States.

That section one hundred and twenty-five of the Act entitled "An Act for further and more effectual provision for the national defense, and for other purposes," approved June third, nineteen hundred and sixteen, shall apply to the Coast Guard in the same manner as to the Army, Navy, and Marine Corps.

That section forty-seven hundred and sixteen of the Revised Statutes be, and the same is hereby, repealed.

SEC. 2. That a Council of National Defense is hereby established, for the coordination of industries and resources for the national security and welfare, to consist of the Secretary of War, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, and the Secretary of Labor.

That the Council of National Defense shall nominate to the President, and the President shall appoint, an advisory commission, consisting of not more than seven

Digitized by Google

persons, each of whom shall have special knowledge of some industry, public utility, or the development of some natural resource, or be otherwise specially qualified, in the opinion of the council, for the performance of the duties hereinafter provided. The members of the advisory commission shall serve without compensation, but shall be allowed actual expenses of travel and subsistence when attending meetings of the commission or engaged in investigations pertaining to its activities. The advisory commission shall hold such meetings as shall be called by the council or be provided by the rules and regulations adopted by the council for the conduct of its work.

That it shall be the duty of the Council of National Defense to supervise and direct investigations and make recommendations to the President and the heads of executive departments as to the location of railroads with reference to the frontier of the United States so as to render possible expeditious concentration of troops and supplies to points of defense; the coordination of military, industrial, and commercial purposes in the location of extensive highways and branch lines of railroad; the utilization of waterways; the mobilization of military and naval resources for defense; the increase of domestic production of articles and materials essential to the support of armies and of the people during the interruption of foreign commerce; the development of seagoing transportation; data as to amounts, location, method and means of production, and availability of military supplies; the giving of information to producers and manufacturers as to the class of supplies needed by the military and other services of the Government, the requirements relating thereto, and the creation of relations which will render possible in time of need the immediate concentration and utilization of the resources of the Nation.

That the Council of National Defense shall adopt rules and regulations for the conduct of its work, which rules and regulations shall be subject to the approval of the President, and shall provide for the work of the advisory commission to the end that the special knowledge of such commission may be developed by suitable investigation, research, and inquiry and made available in conference and report for the use of the council; and the council may organize subordinate bodies for its assistance in special investigations, either by the employment of experts or by the creation of committees of specially qualified persons to serve without compensation, but to direct the investigations of experts so employed.

That the sum of $200,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available for experimental work and investigations undertaken by the council, by the advisory commission, or subordinate bodies, for the employment of a director, expert and clerical expenses and supplies, and for the necessary expenses of members of the advisory commission or subordinate bodies going to and attending meetings of the commission or subordinate bodies. Reports shall be submitted by all subordinate bodies, and by the advisory commission to the council, and from time to time the council shall report to the President or to the heads of executive departments upon special inquiries or subjects appropriate thereto, and an annual report to the Congress shall be submitted through the President, including as full a statement of the activities of the council and the agencies subordinate to it as is consistent with the public interest, including an itemized account of the expenditures made by the council or authorized by it, in as full detail as the public interest will permit: *Provided, however*, That when deemed proper the President may authorize, in amounts stipulated by him, unvouchered expenditures and report the gross sums so authorized not itemized.

SEC. 3. That section thirteen hundred and forty-two of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"SEC. 1342. The articles included in this section shall be known as the Articles of War and shall at all times and in all places, govern the armies of the United States.

"I. PRELIMINARY PROVISIONS.

"ARTICLE 1. DEFINITIONS.—The following words when used in these articles shall be construed in the sense indicated in this Article, unless the context shows that a different sense is intended, namely:

"(a) The word 'officer' shall be construed to refer to a commissioned officer;

"(b) The word 'soldier' shall be construed as including a noncommissioned officer, a private, or any other enlisted man;

"(c) The word 'company' shall be understood as including a troop or battery; and

"(d) The word 'battalion' shall be understood as including a squadron.

"ART. 2. PERSONS SUBJECT TO MILITARY LAW.—The following persons are subject to these articles and shall be understood as included in the term 'any persons subject to military law,' or 'persons subject to military law,' whenever used in these articles:

Digitized by Google

Provided, That nothing contained in this Act, except as specifically provided in Article two, subparagraph (c), shall be construed to apply to any person under the United States naval jurisdiction, unless otherwise specifically provided by law.

"(a) All officers and soldiers in the active military service of the United States, or in the Regular Army Reserve, including volunteers from the dates of their muster or acceptance into said service; and all other persons lawfully called, drafted or ordered into, or to duty or for training in, said service, from the date of notice of such call, draft, or order;

"(b) Cadets;

"(c) Officers and soldiers of the Marine Corps when detached for service with the armies of the United States by order of the President: *Provided*, That an officer or soldier of the Marine Corps when so detached may be tried by military court-martial for an offense committed against the laws for the government of the naval service prior to his detachment, and for an offense committed against these articles he may be tried by a naval court-martial after such detachment ceases;

"(d) All retainers to the camp and all persons accompanying or serving with the armies of the United States without the territorial jurisdiction of the United States, and in time of war all such retainers and persons accompanying or serving with the armies of the United States in the field, both within and without the territorial jurisdiction of the United States, though not otherwise subject to these articles;

"(e) All persons under sentence adjudged by courts-martial;

"(f) All persons admitted into the Regular Army Soldiers' Home at Washington, District of Columbia.

"II. COURTS-MARTIAL.

"ART. 3. COURTS-MARTIAL CLASSIFIED.—Courts-martial shall be of three kinds, namely:

"First, general courts-martial;

"Second, special courts-martial; and

"Third, summary courts-martial.

"A. COMPOSITION.

"ART. 4. WHO MAY SERVE ON COURTS-MARTIAL.—All officers in the military service of the United States, and officers of the Marine Corps when detached for service with the Army by order of the President, shall be competent to serve on courts-martial for the trial of any persons who may lawfully be brought before such courts for trial.

"ART. 5. GENERAL COURTS-MARTIAL.—General courts-martial may consist of any number of officers from five to thirteen, inclusive; but they shall not consist of less than thirteen, when that number can be convened without manifest injury to the service.

"ART. 6. SPECIAL COURTS-MARTIAL.—Special courts-martial may consist of any number of officers from three to five, inclusive.

"ART. 7. SUMMARY COURTS-MARTIAL.—A summary court-martial shall consist of one officer.

"B. BY WHOM APPOINTED.

"ART. 8. GENERAL COURTS-MARTIAL.—The President of the United States, the commanding officer of a territorial division or department, the Superintendent of the Military Academy, the commanding officer of an army, an army corps, a division, or a separate brigade, and, when empowered by the President, the commanding officer of any district or of any force or body of troops may appoint general courts-martial; but when any such commander is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior competent authority, and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

"ART. 9. SPECIAL COURTS-MARTIAL.—The commanding officer of a district, garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a brigade, regiment, detached battalion, or other detached command may appoint special courts-martial; but when any such commanding officer is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior authority, and may in any case be appointed by superior authority when by the latter deemed desirable; and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

"ART. 10. SUMMARY COURTS-MARTIAL.—The commanding officer of a garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a regi-

Digitized by Google

ment, detached battalion, detached company, or other detachment may appoin summary courts-martial; but such summary courts-martial may in any case be apt pointed by superior authority when by the latter deemed desirable: *Provided*, That when but one officer is present with a command he shall be the summary court-martial of that command and shall hear and determine cases brought before him.

"ART. 11. APPOINTMENT OF JUDGE ADVOCATES.—For each general or special court-martial the authority appointing the court shall appoint a judge advocate, and for each general court-martial one or more assistant judge advocates when necessary.

"C. JURISDICTION.

"ART. 12. GENERAL COURTS-MARTIAL.—General courts-martial shall have power to try any person subject to military law for any crime or offense made punishable by these articles and any other person who by the law of war is subject to trial by military tribunals: *Provided*, That no officer shall be brought to trial before a general court-martial appointed by the Superintendent of the Military Academy.

"ART. 13. SPECIAL COURTS-MARTIAL.—Special courts-martial shall have power to try any person subject to military law, except an officer, for any crime or offense not capital made punishable by these articles: *Provided*, That the President may, by regulations, which he may modify from time to time, except from the jurisdiction of special courts-martial any class or classes of persons subject to military law.

"Special courts-martial shall not have power to adjudge dishonorable discharge, nor confinement in excess of six months, nor to adjudge forfeiture of more than six months' pay.

"ART. 14. SUMMARY COURTS-MARTIAL.—Summary courts-martial shall have power to try any person subject to military law, except an officer, a cadet, or a soldier holding the privileges of a certificate of eligibility to promotion, for any crime or offense not capital made punishable by these articles: *Provided*, That noncommissioned officers shall not, if they object thereto, be brought to trial before a summary court-martial without the authority of the officer competent to bring them to trial before a general court-martial: *Provided further*, That the President may, by regulations, which he may modify from time to time, except from the jurisdiction of summary courts-martial any class or classes of persons subject to military law.

"Summary courts-martial shall not have power to adjudge confinement in excess of three months, nor to adjudge the forfeiture of more than three months' pay: *Provided*, That when the summary court officer is also the commanding officer no sentence of such summary court-martial adjudging confinement at hard labor or forfeiture of pay, or both, for a period in excess of one month shall be carried into execution until the same shall have been approved by superior authority.

"ART. 15. NOT EXCLUSIVE.—The provisions of these articles conferring jurisdiction upon courts-martial shall not be construed as depriving military commissions, provost courts, or other military tribunals of concurrent jurisdiction in respect of offenders or offenses that by the law of war may be lawfully triable by such military commissions, provost courts, or other military tribunals.

"ART. 16. OFFICERS; HOW TRIABLE.—Officers shall be triable only by general courts-martial, and in no case shall an officer, when it can be avoided, be tried by officers inferior to him in rank.

"D. PROCEDURE.

"ART. 17. JUDGE ADVOCATE TO PROSECUTE.—The judge advocate of a general or special court-martial shall prosecute in the name of the United States, and shall, under the direction of the court, prepare the record of its proceedings. The accused shall have the right to be represented before the court by counsel of his own selection for his defense, if such counsel be reasonably available, but should he, for any reason, be unrepresented by counsel, the judge advocate shall from time to time throughout the proceedings advise the accused of his legal rights.

"ART. 18. CHALLENGES.—Members of a general or special court-martial may be challenged by the accused, but only for cause stated to the court. The court shall determine the relevancy and validity thereof, and shall not receive a challenge to more than one member at a time.

"ART. 19. OATHS.—The judge advocate of a general or special court-martial shall administer to the members of the court, before they proceed upon any trial, the following oath or affirmation: 'You, A. B., do swear (or affirm) that you will well and truly try and determine, according to the evidence, the matter now before you, between the United States of America and the person to be tried, and that you will duly administer justice, without partiality, favor, or affection, according to the provisions of the rules and articles for the government of the armies of the United States,

Digitized by Google

and if any doubt should arise, not explained by said article, then according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear (or affirm) that you will not divulge the findings or sentence of the court until they shall be published by the proper authority, except to the judge advocate; neither will you disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice in due course of law. So help you God.'

"When the oath or affirmation has been administered to the members of a general or special court-martial, the president of the court shall administer to the judge advocate an oath or affirmation in the following form: 'You, A. B., do swear (or affirm) that you will not divulge the findings or sentence of the court to any but the proper authority until they shall be duly disclosed by the same. So help you God.'

"All persons who give evidence before a court-martial shall be examined on oath or affirmation in the following form: 'You swear (or affirm) that the evidence you shall give in the case now in hearing shall be the truth, the whole truth, and nothing but the truth. So help you God.'

"Every reporter of the proceedings of a court-martial shall, before entering upon his duties, make oath or affirmation in the following form: 'You swear (or affirm) that you will faithfully perform the duties of reporter to this court. So help you God.'

"Every interpreter in the trial of any case before a court-martial shall, before entering upon his duties, make oath or affirmation in the following form: 'You swear (or affirm) that you will truly interpret in the case now in hearing. So help you God.'

"In case of affirmation the closing sentence of adjuration will be omitted.

"ART. 20. CONTINUANCES.—A court-martial may, for reasonable cause, grant a continuance to either party for such time and as often as may appear to be just.

"ART. 21. REFUSAL TO PLEAD.—When the accused, arraigned before a court-martial, from obstinacy and deliberate design stands mute or answers foreign to the purpose, the court may proceed to trial and judgment as if he had pleaded not guilty.

"ART. 22. PROCESS TO OBTAIN WITNESSES.—Every judge advocate of a general or special court-martial and every summary court-martial shall have power to issue the like process to compel witnesses to appear and testify which courts of the United States, having criminal jurisdiction, may lawfully issue; but such process shall run to any part of the United States, its Territories, and possessions.

"ART. 23. REFUSAL TO APPEAR OR TESTIFY.—Every person not subject to military law who, being duly subpœnaed to appear as a witness before any military court, commission, court of inquiry, or board, or before any officer, military or civil, designated to take a deposition to be read in evidence before such court, commission, court of inquiry, or board, willfully neglects or refuses to appear, or refuses to qualify as a witness, or to testify, or produce documentary evidence which such person may have been legally subpoenaed to produce, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the United States or in a court of original criminal jurisdiction in any of the Territorial possessions of the United States, jurisdiction being hereby conferred upon such courts for such purpose; and it shall be the duty of the United States district attorney or the officer prosecuting for the Government in any such court of original criminal jurisdiction, on the certification of the facts to him by the military court, commission, court of inquiry, or board, to file an information against and prosecute the person so offending, and the punishment of such person, on conviction, shall be a fine of not more than $500 or imprisonment not to exceed six months, or both, at the discretion of the court: *Provided*, That the fees of such witness and his mileage, at the rates allowed to witnesses attending the courts of the United States, shall be duly paid or tendered said witness, such amounts to be paid out of the appropriation for the compensation of witnesses.

"ART. 24. COMPULSORY SELF-INCRIMINATION PROHIBITED.—No witness before a military court, commission, court of inquiry, or board, or before any officer, military or civil, designated to take a deposition to be read in evidence before a military court, commission, court of inquiry, or board, shall be compelled to incriminate himself or to answer any questions which may tend to incriminate or degrade him.

"ART. 25. DEPOSITIONS—WHEN ADMISSIBLE.—A duly authenticated deposition taken upon reasonable notice to the opposite party may be read in evidence before any military court or commission in any case not capital, or in any proceeding before a court of inquiry or a military board, if such deposition be taken when the witness resides, is found, or is about to go beyond the State, Territory, or district in which the court, commission, or board is ordered to sit, or beyond the distance of one hundred miles from the place of trial or hearing, or when it appears to the satisfaction of the court, commission, board, or appointing authority that the witness, by reason of age, sickness, bodily infirmity, imprisonment, or other reasonable cause, is unable to appear and testify in person at the place of trial or hearing: *Provided*, That testimony by deposition may be adduced for the defense in capital cases.

Digitized by Google

"ART. 26. DEPOSITIONS—BEFORE WHOM TAKEN.—Depositions to be read in evidence before military courts, commissions, courts of inquiry, or military boards, or for other use in military administration, may be taken before and authenticated by any officer, military or civil, authorized by the laws of the United States or by the laws of the place where the deposition is taken to administer oaths.

"ART. 27. COURTS OF INQUIRY.—RECORDS OF, WHEN ADMISSIBLE.—The record of the proceedings of a court of inquiry may be read in evidence before any court-martial or military commission in any case not capital nor extending to the dismissal of an officer, and may also be read in evidence in any proceeding before a court of inquiry or a military board: *Provided*, That such evidence may be adduced by the defense in capital cases or cases extending to the dismissal of an officer.

"ART. 28. RESIGNATION WITHOUT ACCEPTANCE DOES NOT RELEASE OFFICER.—Any officer who, having tendered his resignation and prior to due notice of the acceptance of the same, quits his post or proper duties without leave and with intent to absent himself permanently therefrom shall be deemed a deserter.

"ART. 29. ENLISTMENT WITHOUT DISCHARGE.—Any soldier who, without first having received a regular discharge, again enlists in the Army, or in the militia when in the service of the United States, or in the Navy or Marine Corps of the United States, or in any foreign army, shall be deemed to have deserted the service of the United States; and, where the enlistment is in one of the forces of the United States mentioned above, to have fraudulently enlisted therein.

"ART. 30. CLOSED SESSIONS.—Whenever a general or special court-martial shall sit in closed session, the judge advocate and the assistant judge advocate, if any, shall withdraw; and when their legal advice or their assistance in referring to the recorded evidence is required, it shall be obtained in open court, and in the presence of the accused and of his counsel if there be any.

"ART. 31. ORDER OF VOTING.—Members of a general or special court-martial, in giving their votes, shall begin with the junior in rank.

"ART. 32. CONTEMPTS.—A court-martial may punish at discretion, subject to the limitations contained in Article XIV, any person who uses any menacing words, signs, or gestures in its presence, or who disturbs its proceedings by any riot or disorder.

"ART. 33. RECORDS—GENERAL COURTS-MARTIAL.—Each general court-martial shall keep a separate record of its proceedings in the trial of each case brought before it, and such record shall be authenticated by the signature of the president and the judge advocate; but in case the record can not be authenticated by the judge advocate, by reason of his death, disability, or absence, it shall be signed by the president and an assistant judge advocate, if any; and if there be no assistant judge advocate, or in case of his death, disability, or absence, then by the president and one other member of the court.

"ART. 34. RECORDS—SPECIAL AND SUMMARY COURTS-MARTIAL.—Each special court-martial and each summary court-martial shall keep a record of its proceedings, separate for each case, which record shall contain such matter and be authenticated in such manner as may be required by regulations which the president may from time to time prescribe.

"ART. 35. DISPOSITION OF RECORDS—GENERAL COURTS-MARTIAL.—The judge advocate of each general court-martial shall, with such expedition as circumstances may permit, forward to the appointing authority or to his successor in command the original record of the proceedings of such court in the trial of each case. All records of such proceedings shall, after having been finally acted upon, be transmitted to the Judge Advocate General of the Army.

"ART. 36. DISPOSITION OF RECORDS—SPECIAL AND SUMMARY COURTS-MARTIAL.—After having been acted upon by the officer appointing the court, or by the officer commanding for the time being, the record of each trial by special court-martial and a report of each trial by summary court-martial shall be transmitted to such general headquarters as the President may designate in regulations, there to be filed in the office of the judge advocate. When no longer of use, records of special and summary courts-martial may be destroyed.

"ART. 37. IRREGULARITIES—EFFECT OF.—The proceedings of a court-martial shall not be held invalid, nor the findings or sentence disapproved, in any case on the ground of improper admission or rejection of evidence or for any error as to any matter of pleading or procedure unless in the opinion of the reviewing or confirming authority, after an examination of the entire proceedings, it shall appear that the error complained of has injuriously affected the substantial rights of an accused: *Provided*, That the act or omission upon which the accused has been tried constitutes an offense denounced and made punishable by one or more of these articles: *Provided further*, That the omission of the words 'hard labor' in any sentence of a court-martial adjudging im-

Digitized by Google

prisonment or confinement shall not be construed as depriving the authorities executing such sentence of imprisonment or confinement of the power to require hard labor as a part of the punishment in any case where it is authorized by the Executive order prescribing maximum punishments.

"ART. 38. PRESIDENT MAY PRESCRIBE RULES.—The President may by regulations, which he may modify from time to time, prescribe the procedure, including modes of proof, in cases before courts-martial, courts of inquiry, military commissions, and other military tribunals: *Provided*, That nothing contrary to or inconsistent with these articles shall be so prescribed: *Provided further*, That all rules made in pursuance of this article shall be laid before the Congress annually.

"E. LIMITATIONS UPON PROSECUTIONS.

"ART. 39. AS TO TIME.—Except for desertion committed in time of war, or for mutiny or murder, no person subject to military law shall be liable to be tried or punished by a court-martial for any crime or offense committed more than two years before the arraignment of such person: *Provided*, That for desertion in time of peace or for any crime or offense punishable under articles ninety-three and ninety-four of this code the period of limitations upon trial and punishment by court-martial shall be three years: *Provided further*, That the period of any absence of the accused from the jurisdiction of the United States, and also any period during which by reason of some manifest impediment the accused shall not have been amenable to military justice, shall be excluded in computing the aforesaid periods of limitation: *And provided further*, That this article shall not have the effect to authorize the trial or punishment for any crime or offense barred by the provisions of existing law.

"ART. 40. AS TO NUMBER.—No person shall be tried a second time for the same offense.

"F. PUNISHMENTS.

"ART. 41. CERTAIN KINDS PROHIBITED.—Punishment by flogging, or by branding, marking, or tattooing on the body is prohibited.

"ART. 42. PLACES OF CONFINEMENT—WHEN LAWFUL.—Except for desertion in time of war, repeated desertion in time of peace, and mutiny, no person shall under the sentence of a court-martial be punished by confinement in a penitentiary unless an act or omission of which he is convicted constitutes an offense of a civil nature under some statute of the United States, or at the common law as the same exists in the District of Columbia, or by way of commutation of a death sentence, and unless, also, the period of confinement authorized and adjudged by such court-martial is one year or more: *Provided*, That when a sentence of confinement is adjudged by a court-martial upon conviction of two or more acts or omissions any one of which is punishable under these articles by confinement in a penitentiary, the entire sentence of confinement may be executed in a penitentiary: *Provided further*, That penitentiary confinement hereby authorized may be served in any penitentiary directly or indirectly under the jurisdiction of the United States: *Provided further*, That persons sentenced to dishonorable discharge and to confinement not in a penitentiary, shall be confined in the United States Disciplinary Barracks or elsewhere as the Secretary of War or the reviewing authority may direct, but not in a penitentiary.

"ART. 43. DEATH SENTENCE—WHEN LAWFUL.—No person shall, by general court-martial, be convicted of an offense for which the death penalty is made mandatory by law, nor sentenced to suffer death, except by the concurrence of two-thirds of the members of said court-martial and for an offense in these articles expressly made punishable by death. All other convictions and sentences, whether by general or special court-martial, may be determined by a majority of the members present.

"ART. 44. COWARDICE: FRAUD—ACCESSORY PENALTY.—When an officer is dismissed from the service for cowardice or fraud, the crime, punishment, name, and place of abode of the delinquent shall be published in the newspapers in and about the camp and in the State from which the offender came or where he usually resides; and after such publication it shall be scandalous for an officer to associate with him.

"ART. 45. MAXIMUM LIMITS.—Whenever the punishment for a crime or offense made punishable by these articles is left to the discretion of the court-martial, the punishment shall not, in time of peace, exceed such limit or limits as the President may from time to time prescribe.

"G. ACTION BY APPOINTING OR SUPERIOR AUTHORITY.

"ART. 46. APPROVAL AND EXECUTION OF SENTENCE.—No sentence of a court-martial shall be carried into execution until the same shall have been approved by the officer appointing the court or by the officer commanding for the time being.

Digitized by Google

"ART. 47. POWERS INCIDENT TO POWER TO APPROVE.—The power to approve the sentence of a court-martial shall be held to include, inter alia:

"(a) The power to approve or disapprove a finding and to approve only so much of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense when, in the opinion of the authority having power to approve, the evidence of record requires a finding of only the lesser degree of guilt; and

"(b) The power to approve or disapprove the whole or any part of the sentence.

"ART. 48. CONFIRMATION—WHEN REQUIRED.—In addition to the approval required by article forty-six, confirmation by the President is required in the following cases before the sentence of a court-martial is carried into execution, namely:

"(a) Any sentence respecting a general officer;

"(b) Any sentence extending to the dismissal of an officer, except that in time of war a sentence extending to the dismissal of an officer below the grade of brigadier general may be carried into execution upon confirmation by the commanding general of the Army in the field or by the commanding general of the Territorial department or division;

"(c) Any sentence extending to the suspension or dismissal of a cadet; and

"(d) Any sentence of death, except in the cases of persons convicted in time of war of murder, rape, mutiny, desertion, or as spies; and in such excepted cases a sentence of death may be carried into execution upon confirmation by the commanding general of the Army in the field or by the commanding general of the Territorial department or division.

"When the authority competent to confirm the sentence has already acted as the approving authority no additional confirmation by him is necessary.

"ART. 49. POWERS INCIDENT TO POWER TO CONFIRM.—The power to confirm the sentence of a court-martial shall be held to include:

"(a) The power to confirm or disapprove a finding, and to confirm so much only of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense when, in the opinion of the authority having power to confirm, the evidence of record requires a finding of only the lesser degree of guilt; and

"(b) The power to confirm or disapprove the whole or any part of the sentence.

"ART. 50. MITIGATION OR REMISSION OF SENTENCES.—The power to order the execution of the sentence adjudged by a court-martial shall be held to include, inter alia, the power to mitigate or remit the whole or any part of the sentence, but no sentence of dismissal of an officer and no sentence of death shall be mitigated or remitted by any authority inferior to the President.

"Any unexecuted portion of a sentence adjudged by a court-martial may be mitigated or remitted by the military authority competent to appoint, for the command, exclusive of penitentiaries and the United States Disciplinary Barracks, in which the person under sentence is held, a court of the kind that imposed the sentence, and the same power may be exercised by superior military authority; but no sentence extending to the dismissal of an officer or loss of files, no sentence of death, and no sentence approved or confirmed by the President shall be remitted or mitigated by any other authority.

"The power of remission and mitigation shall extend to all uncollected forfeitures adjudged by sentence of a court-martial.

"ART. 51. SUSPENSION OF SENTENCES OF DISMISSAL OR DEATH.—The authority competent to order the execution of a sentence of dismissal of an officer or a sentence of death may suspend such sentence until the pleasure of the President be known, and in case of such suspension a copy of the order of suspension, together with a copy of the record of trial, shall immediately be transmitted to the President.

"ART. 52. SUSPENSION OF SENTENCE OF DISHONORABLE DISCHARGE.—The authority competent to order the execution of a sentence, including dishonorable discharge, may suspend the execution of the dishonorable discharge until the soldier's release from confinement; but the order of suspension may be vacated at any time and the execution of the dishonorable discharge directed by the officer having general court-martial jurisdiction over the command, exclusive of penitentiaries and the United States Disciplinary Barracks, in which the soldier is held or by the Secretary of War.

"ART. 53. SUSPENSION OF SENTENCES OF FORFEITURE OR CONFINEMENT.—The authority competent to order the execution of a sentence adjudged by a court-martial may, if the sentence involve neither dismissal nor dishonorable discharge, suspend the execution of the sentence in so far as it relates to the forfeiture of pay or to confinement, or to both; and the person under sentence may be restored to duty during the suspension of confinement. At any time within one year after the date of the order of suspension such order may, for sufficient cause, be vacated and the execution of

Digitized by Google

the sentence directed by the military authority competent to order the execution of like sentences in the command, exclusive of penitentiaries and the United States Disciplinary Barracks, to which the person under sentence belongs or in which he may be found; but if the order of suspension be not vacated within one year after the date thereof the suspended sentence shall be held to have been remitted.

"III. PUNITIVE ARTICLES.

"A. ENLISTMENT; MUSTER; RETURNS.

"ART. 54. FRAUDULENT ENLISTMENT.—Any person who shall procure himself to be enlisted in the military service of the United States by means of willful misrepresentation or concealment as to his qualifications for enlistment, and shall receive pay or allowances under such enlistment, shall be punished as a court-martial may direct.

"ART. 55. OFFICER MAKING UNLAWFUL ENLISTMENT.—Any officer who knowingly enlists or musters into the military service any person whose enlistment or muster in is prohibited by law, regulations, or orders shall be dismissed from the service or suffer such other punishment as a court-martial may direct.

"ART. 56. MUSTER ROLLS—FALSE MUSTER.—At every muster of a regiment, troop, battery, or company the commanding officer thereof shall give to the mustering officer certificates, signed by himself, stating how long absent officers have been absent and the reasons of their absence. And the commanding officer of every troop, battery, or company shall give like certificates, stating how long absent noncommissioned officers and private soldiers have been absent and the reasons of their absence. Such reasons and time of absence shall be inserted in the muster rolls opposite the names of the respective absent officers and soldiers, and the certificates, together with the muster rolls, shall be transmitted by the mustering officer to the Department of War as speedily as the distance of the place and muster will admit. Any officer who knowingly makes a false muster of man or animal, or who signs or directs or allows the signing of any muster roll knowing the same to contain a false muster or false statement as to the absence or pay of an officer or soldier, or who wrongfully takes money or other consideration on mustering in a regiment, company, or other organization, or on signing muster rolls, or who knowingly musters as an officer or soldier a person who is not such officer or soldier, shall be dismissed from the service and suffer such other punishment as a court-martial may direct.

"ART. 57. FALSE RETURNS—OMISSION TO RENDER RETURNS.—Every officer commanding a regiment, an independent troop, battery, or company, or a garrison, shall, in the beginning of every month, transmit through the proper channels, to the Department of War, an exact return of the same, specifying the names of the officers then absent from their posts, with the reasons for and the time of their absence. Every officer whose duty it is to render to the War Department or other superior authority a return of the state of the troops under his command, or of the arms, ammunitions, clothing, funds, or other property thereunto belonging, who knowingly makes a false return thereof shall be dismissed from the service and suffer such other punishment as a court-martial may direct. And any officer who, through neglect or design, omits to render such return shall be punished as a court-martial may direct.

"B. DESERTION—ABSENCE WITHOUT LEAVE.

"ART. 58. DESERTION.—Any person subject to military law who deserts or attempts to desert the service of the United States shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct, and, if the offense be committed at any other time, any punishment, excepting death, that a court-martial may direct.

"ART. 59. ADVISING OR AIDING ANOTHER TO DESERT.—Any person subject to military law who advises or persuades or knowingly assists another to desert the service of the United States shall, if the offense be committed in time of war, suffer death, or such other punishment as a court-martial may direct, and, if the offense be committed at any other time, any punishment, excepting death, that a court-martial may direct.

"ART. 60. ENTERTAINING A DESERTER.—Any officer who, after having discovered that a soldier in his command is a deserter from the military or naval service or from the Marine Corps, retains such deserter in his command without informing superior authority or the commander of the organization to which the deserter belongs, shall be punished as a court-martial may direct.

Digitized by Google

"ART. 61. ABSENCE WITHOUT LEAVE.—Any person subject to military law who fails to repair at the fixed time to the properly appointed place of duty, or goes from the same without proper leave, or absents himself from his command, guard, quarters, station, or camp without proper leave, shall be punished as a court-martial may direct.

"C. DISRESPECT—INSUBORDINATION—MUTINY.

"ART. 62. DISRESPECT TOWARD THE PRESIDENT, VICE PRESIDENT, CONGRESS, SECRETARY OF WAR, GOVERNORS, LEGISLATURES.—Any officer who uses contemptuous or disrespectful words against the President, Vice President, the Congress of the United States, the Secretary of War, or the governor or legislature of any State, Territory, or other possession of the United States in which he is quartered shall be dismissed from the service or suffer such other punishment as a court-martial may direct. Any other person subject to military law who so offends shall be punished as a court-martial may direct.

"ART. 63. DISRESPECT TOWARD SUPERIOR OFFICER.—Any person subject to military law who behaves himself with disrespect toward his superior officer shall be punished as a court-martial may direct.

"ART. 64. ASSAULTING OR WILLFULLY DISOBEYING SUPERIOR OFFICER.—Any person subject to military law who, on any pretense whatsoever, strikes his superior officer or draws or lifts up any weapon or offers any violence against him, being in the execution of his office, or willfully disobeys any lawful command of his superior officer, shall suffer death or such other punishment as a court-martial may direct.

"ART. 65. INSUBORDINATE CONDUCT TOWARD NONCOMMISSIONED OFFICER.—Any soldier who strikes or assaults, or who attempts or threatens to strike or assault, or willfully disobeys the lawful order of a noncommissioned officer while in the execution of his office, or uses threatening or insulting language, or behaves in an insubordinate or disrespectful manner toward a noncommissioned officer while in the execution of his office, shall be punished as a court-martial may direct.

"ART. 66. MUTINY OR SEDITION.—Any person subject to military law who attempts to create or who begins, excites, causes, or joins in any mutiny or sedition in any company, party, post, camp, detachment, guard, or other command shall suffer death or such other punishment as a court-martial may direct.

"ART. 67. FAILURE TO SUPPRESS MUTINY OR SEDITION.—Any officer or soldier who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or knowing or having reason to believe that a mutiny or sedition is to take place, does not without delay give information thereof to his commanding officer shall suffer death or such other punishment as a court-martial may direct.

"ART. 68. QUARRELS; FRAYS; DISORDERS.—All officers and noncommissioned officers have power to part and quell all quarrels, frays, and disorders among persons subject to military law and to order officers who take part in the same into arrest, and other persons subject to military law who take part in the same into arrest or confinement, as circumstances may require, until their proper superior officer is acquainted therewith. And whosoever, being so ordered, refuses to obey such officer or noncommissioned officer or draws a weapon upon or otherwise threatens or does violence to him shall be punished as a court-martial may direct.

"D. ARREST; CONFINEMENT.

"ART. 69. ARREST OR CONFINEMENT OF ACCUSED PERSONS.—An officer charged with crime or with a serious offense under these articles shall be placed in arrest by the commanding officer, and in exceptional cases an officer so charged may be placed in confinement by the same authority. A soldier charged with crime or with a serious offense under these articles shall be placed in confinement, and when charged with a minor offense he may be placed in arrest. Any other person subject to military law charged with crime or with a serious offense under these articles shall be placed in confinement or in arrest, as circumstances may require; and when charged with a minor offense such person may be placed in arrest. Any person placed in arrest under the provisions of this article shall thereby be restricted to his barracks, quarters, or tent, unless such limits shall be enlarged by proper authority. Any officer who breaks his arrest or who escapes from confinement before he is set at liberty by proper authority shall be dismissed from the service or suffer such other punishment as a court-martial may direct; and any other person subject to military law who escapes from confinement or who breaks his arrest before he is set at liberty by proper authority shall be punished as a court-martial may direct.

"ART. 70. INVESTIGATION OF AND ACTION UPON CHARGES.—No person put in arrest shall be continued in confinement more than eight days, or until such time as

Digitized by Google

a court-martial can be assembled. When any person is put in arrest for the purpose of trial, except at remote military posts or stations, the officer by whose order he is arrested shall see that a copy of the charges on which he is to be tried is served upon him within eight days after his arrest, and that he is brought to trial within ten days thereafter, unless the necessities of the service prevent such trial; and then he shall be brought to trial within thirty days after the expiration of said ten days. If a copy of the charges be not served, or the arrested person be not brought to trial, as herein required, the arrest shall cease. But persons released from arrest, under the provisions of this article, may be tried, whenever the exigencies of the service shall permit, within twelve months after such release from arrest: *Provided*, That in time of peace no person shall, against his objection, be brought to trial before a general court-martial within a period of five days subsequent to the service of charges upon him.

"ART. 71. REFUSAL TO RECEIVE AND KEEP PRISONERS.—No provost marshal or commander of a guard shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of the United States, provided the officer committing shall, at the time, deliver an account in writing, signed by himself, of the crime or offense charged against the prisoner. Any officer or soldier so refusing shall be punished as a court-martial may direct.

"ART. 72. REPORT OF PRISONERS RECEIVED.—Every commander of a guard to whose charge a prisoner is committed shall, within twenty-four hours after such confinement, or as soon as he is relieved from his guard, report in writing to the commanding officer the name of such prisoner, the offense charged against him, and the name of the officer committing him; and if he fails to make such report he shall be punished as a court-martial may direct.

"ART. 73. RELEASING PRISONER WITHOUT PROPER AUTHORITY.—Any person subject to military law who, without proper authority, releases any prisoner duly committed to his charge, or who through neglect or design suffers any prisoner so committed to escape, shall be punished as a court-martial may direct.

"ART. 74. DELIVERY OF OFFENDERS TO CIVIL AUTHORITIES.—When any person subject to military law, except one who is held by the military authorities to answer, or who is awaiting trial or result of trial, or who is undergoing sentence for a crime or offense punishable under these articles, is accused of a crime or offense committed within the geographical limits of the States of the Union and the District of Columbia, and punishable by the laws of the land, the commanding officer is required, except in time of war, upon application duly made, to use his utmost endeavor to deliver over such accused person to the civil authorities, or to aid the officers of justice in apprehending and securing him, in order that he may be brought to trial. Any commanding officer who upon such application refuses or willfully neglects, except in time of war, to deliver over such accused person to the civil authorities or to aid the officers of justice in apprehending and securing him shall be dismissed from the service or suffer such other punishment as a court-martial may direct.

"When, under the provisions of this article, delivery is made to the civil authorities of an offender undergoing sentence of a court-martial, such delivery, if followed by conviction, shall be held to interrupt the execution of the sentence of the court-martial, and the offender shall be returned to military custody, after having answered to the civil authorities for his offense, for the completion of the said court-martial sentence.

"E. WAR OFFENSES.

"ART. 75. MISBEHAVIOR BEFORE THE ENEMY.—Any officer or soldier who misbehaves himself before the enemy, runs away, or shamefully abandons or delivers up any fort, post, camp, guard, or other command which it is his duty to defend, or speaks words inducing others to do the like, or casts away his arms or ammunition, or quits his post or colors to plunder or pillage, or by any means whatsoever occasions false alarms in camp, garrison, or quarters, shall suffer death or such other punishment as a court-martial may direct.

"ART. 76. SUBORDINATES COMPELLING COMMANDER TO SURRENDER.—If any commander of any garrison, fort, post, camp, guard, or other command is compelled, by the officers or soldiers under his command, to give it up to the enemy or to abandon it, the officers or soldiers so offending shall suffer death or such other punishment as a court-martial may direct.

"ART. 77. IMPROPER USE OF COUNTERSIGN.—Any person subject to military law who makes known the parole or countersign to any person not entitled to receive it according to the rules and discipline of war, or gives a parole or countersign different from that which he received, shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct.

Digitized by Google

"ART. 78. FORCING A SAFEGUARD.—Any person subject to military law who, in time of war, forces a safeguard shall suffer death or such other punishment as a court-martial may direct.

"ART. 79. CAPTURED PROPERTY TO BE SECURED FOR PUBLIC SERVICE.—All public property taken from the enemy is the property of the United States and shall be secured for the service of the United States, and any person subject to military law who neglects to secure such property or is guilty of wrongful appropriation thereof shall be punished as a court-martial may direct.

"ART. 80. DEALING IN CAPTURED OR ABANDONED PROPERTY.—Any person subject to military law who buys, sells, trades, or in any way deals in or disposes of captured or abandoned property, whereby he shall receive or expect any profit, benefit, or advantage to himself or to any other person directly or indirectly connected with himself, or who fails whenever such property comes into his possession or custody or within his control to give notice thereof to the proper authority and to turn over such property to the proper authority without delay, shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial, military commission, or other military tribunal may adjudge, or by any or all of said penalties.

"ART. 81. RELIEVING, CORRESPONDING WITH, OR AIDING THE ENEMY.—Whosoever relieves the enemy with arms, ammunition, supplies, money, or other thing, or knowingly harbors or protects or holds correspondence with or gives intelligence to the enemy, either directly or indirectly, shall suffer death, or such other punishment as a court-martial or military commission may direct.

"ART. 82. SPIES.—Any person who in time of war shall be found lurking or acting as a spy in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be tried by a general court-martial or by a military commission, and shall, on conviction thereof, suffer death.

"F. MISCELLANEOUS CRIMES AND OFFENSES.

"ART. 83. MILITARY PROPERTY—WILLFUL OR NEGLIGENT LOSS, DAMAGE, OR WRONGFUL DISPOSITION OF.—Any person subject to military law who willfully, or through neglect, suffers to be lost, spoiled, damaged, or wrongfully disposed of, any military property belonging to the United States shall make good the loss or damage and suffer such punishment as a court-martial may direct.

"ART. 84. WASTE OR UNLAWFUL DISPOSITION OF MILITARY PROPERTY ISSUED TO SOLDIERS.—Any soldier who sells or wrongfully disposes of or willfully or through neglect injures or loses any horse, arms, ammunition, accouterments, equipment, clothing, or other property issued for use in the military service, shall be punished as a court-martial may direct.

"ART. 85. DRUNK ON DUTY.—Any officer who is found drunk on duty shall, if the offense be committed in time of war, be dismissed from the service and suffer such other punishment as a court-martial may direct; and if the offense be committed in time of peace, he shall be punished as a court-martial may direct. Any person subject to military law, except an officer, who is found drunk on duty shall be punished as a court-martial may direct.

"ART. 86. MISBEHAVIOR OF SENTINEL.—Any sentinel who is found drunk or sleeping upon his post, or who leaves it before he is regularly relieved, shall, if the offense be committed in time of war, suffer death or such other punishment as a court-martial may direct; and if the offense be committed in time of peace, he shall suffer any punishment, except death, that a court-martial may direct.

"ART. 87. PERSONAL INTEREST IN SALE OF PROVISIONS.—Any officer commanding in any garrison, fort, barracks, camp, or other place where troops of the United States may be serving who, for his private advantage, lays any duty or imposition upon or is interested in the sale of any victuals or other necessaries of life brought into such garrison, fort, barracks, camp, or other place for the use of the troops, shall be dismissed from the service and suffer such other punishment as a court-martial may direct.

"ART. 88. INTIMIDATION OF PERSONS BRINGING PROVISIONS.—Any person subject to military law who abuses, intimidates, does violence to, or wrongfully interferes with any person bringing provisions, supplies, or other necessaries to the camp, garrison, or quarters of the forces of the United States shall suffer such punishment as a court-martial may direct.

"ART. 89. GOOD ORDER TO BE MAINTAINED AND WRONGS REDRESSED.—All persons subject to military law are to behave themselves orderly in quarters, garrison, camp, and on the march; and any person subject to military law who commits any waste or spoil, or willfully destroys any property whatsoever (unless by order of his commanding officer), or commits any kind of depredation or riot shall be punished as

Digitized by Google

a court-martial may direct. Any commanding officer who, upon complaint made to him, refuses or omits to see reparation made to the party injured, in so far as the offender's pay shall go toward such reparation, as provided for in article one hundred and five, shall be dismissed from the service, or otherwise, as a court-martial may direct.

"ART. 90. PROVOKING SPEECHES OR GESTURES.—No person subject to military law shall use any reproachful or provoking speeches or gestures to another; and any person subject to military law who offends against the provisions of this article shall be punished as a court-martial may direct.

"ART. 91. DUELLING—ATTEMPTS TO COMMIT SUICIDE.—Any person subject to military law who fights or promotes or is concerned in or connives at fighting a duel, or who having knowledge of a challenge sent or about to be sent fails to report the fact promptly to the proper authority shall, if an officer, be dismissed from the service or suffer such other punishment as a court-martial may direct; and if any other person subject to military law, shall suffer such punishment as a court-martial may direct.

"ART. 92. MURDER—RAPE.—Any person subject to military law who commits murder or rape shall suffer death or imprisonment for life, as a court-martial may direct; but no person shall be tried by court-martial for murder or rape committed within the geographical limits of the States of the Union and the District of Columbia in time of peace.

"ART. 93. VARIOUS CRIMES.—Any person subject to military law who commits manslaughter, mayhem, arson, burglary, robbery, larceny, embezzlement, perjury, assault with intent to commit any felony, or assault with intent to do bodily harm, shall be punished as a court-martial may direct.

"ART. 94. FRAUDS AGAINST THE GOVERNMENT.—Any person subject to military law who makes or causes to be made any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or

"Who presents or causes to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or

"Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

"Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures, or advises the making or use of, any writing or other paper, knowing the same to contain any false or fraudulent statements; or

"Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes, or procures, or advises the making of, any oath to any fact or to any writing or other paper knowing such oath to be false; or

"Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures, or advises the forging or counterfeiting of any signature upon any writing or other paper, or uses, or procures, or advises the use of any such signature, knowing the same to be forged or counterfeited; or

"Who, having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered, to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

"Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States furnished or intended for the military service thereof, makes or delivers to any person such writing, without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States; or

"Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money, or other property of the United States furnished or intended for the military service thereof; or

"Who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, or other person who is a part of or employed in said forces or service, any ordnance, arms, equipment, ammunition, clothing, subsistence stores, or other property of the United States, such soldier, officer, or other person not having lawful right to sell or pledge the same;

"Shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may adjudge, or by any or all of said penalties. And if any person, being guilty of any of the offenses aforesaid while in the military

Digitized by Google

service of the United States, receives his discharge or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial in the same manner and to the same extent as if he had not received such discharge nor been dismissed.

"ART. 95. CONDUCT UNBECOMING AN OFFICER AND GENTLEMAN.—Any officer or cadet who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service.

"ART. 96. GENERAL ARTICLE.—Though not mentioned in these articles, all disorders and neglects to the prejudice of good order and military discipline, all conduct of a nature to bring discredit upon the military service, and all crimes or offenses not capital, of which persons subject to military law may be guilty, shall be taken cognizance of by a general or special or summary court-martial, according to the nature and degree of the offense, and punished at the discretion of such court.

"IV. COURTS OF INQUIRY.

"ART. 97. WHEN AND BY WHOM ORDERED.—A court of inquiry to examine into the nature of any transaction of or accusation or imputation against any officer or soldier may be ordered by the President or by any commanding officer; but a court of inquiry shall not be ordered by any commanding officer except upon the request of the officer or soldier whose conduct is to be inquired into.

"ART. 98. COMPOSITION.—A court of inquiry shall consist of three or more officers. For each court of inquiry the authority appointing the court shall appoint a recorder.

"ART. 99. CHALLENGES.—Members of a court of inquiry may be challenged by the party whose conduct is to be inquired into, but only for cause stated to the court. The court shall determine the relevancy and validity of any challenge, and shall not receive a challenge to more than one member at a time. The party whose conduct is being inquired into shall have the right to be represented before the court by counsel of his own selection, if such counsel be reasonably available.

"ART. 100. OATH OF MEMBERS AND RECORDER.—The recorder of a court of inquiry shall administer to the members the following oath: 'You, A. B., do swear (or affirm) that you will well and truly examine and inquire, according to the evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward. So help you, God.' After which the president of the court shall administer to the recorder the following oath: 'You, A. B., do swear (or affirm) that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing. So help you, God.'

"In case of affirmation the closing sentence of adjuration will be omitted.

"ART. 101. POWERS; PROCEDURE.—A court of inquiry and the recorder thereof shall have the same power to summon and examine witnesses as is given to courts-martial and the judge advocate thereof. Such witnesses shall take the same oath or affirmation that is taken by witnesses before courts-martial. A reporter or an interpreter for a court of inquiry shall, before entering upon his duties, take the oath or affirmation required of a reporter or an interpreter for a court-martial. The party whose conduct is being inquired into or his counsel, if any, shall be permitted to examine and cross-examine witnesses so as fully to investigate the circumstances in question.

"ART. 102. OPINION ON MERITS OF CASE.—A court of inquiry shall not give an opinion on the merits of the case inquired into unless specially ordered to do so.

"ART. 103. RECORD OF PROCEEDINGS—HOW AUTHENTICATED.—Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signature of the president and the recorder thereof, and be forwarded to the convening authority. In case the record can not be authenticated by the recorder, by reason of his death, disability, or absence, it shall be signed by the president and by one other member of the court.

"V. MISCELLANEOUS PROVISIONS.

"ART. 104. DISCIPLINARY POWERS OF COMMANDING OFFICERS.—Under such regulations as the President may prescribe, and which he may from time to time revoke, alter, or add to the commanding officer of any detachment, company, or higher command may, for minor offenses not denied by the accused, impose disciplinary punishments upon persons of his command without the intervention of a court-martial, unless the accused demands trial by court-martial.

"The disciplinary punishments authorized by this article may include admonition, reprimand, withholding of privileges, extra fatigue, and restriction to certain specified limits, but shall not include forfeiture of pay or confinement under guard. A person punished under authority of this article, who deems his punishment unjust

Digitized by Google

or disproportionate to the offense, may, through the proper channel, appeal to the next superior authority, but may in the meantime be required to undergo the punishment adjudged. The commanding officer who imposes the punishment, his successor in command, and superior authority shall have power to mitigate or remit any unexecuted portion of the punishment. The imposition and enforcement of disciplinary punishment under authority of this article for any act or omission shall not be a bar to trial by court-martial for a crime or offense growing out of the same act or omission; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

"ART. 105. INJURIES TO PERSON OR PROPERTY—REDRESS OF.—Whenever complaint is made to any commanding officer that damage has been done to the property of any person or that his property has been wrongfully taken by persons subject to military law, such complaint shall be investigated by a board consisting of any number of officers from one to three, which board shall be convened by the commanding officer and shall have, for the purpose of such investigation, power to summon witnesses and examine them upon oath or affirmation, to receive depositions or other documentary evidence, and to assess the damages sustained against the responsible parties. The assessment of damages made by such board shall be subject to the approval of the commanding officer, and in the amount approved by him shall be stopped against the pay of the offenders. And the order of such commanding officer directing stoppages herein authorized shall be conclusive on any disbursing officer for the payment by him to the injured parties of the stoppages so ordered.

"Where the offenders can not be ascertained, but the organization or detachment to which they belong is known, stoppages to the amount of damages inflicted may be made and assessed in such proportion as may be deemed just upon the individual members thereof who are shown to have been present with such organization or detachment at the time the damages complained of were inflicted as determined by the approved findings of the board.

"ART. 106. ARREST OF DESERTERS BY CIVIL OFFICIALS.—It shall be lawful for any civil officer having authority under the laws of the United States, or of any State, Territory, District, or possession of the United States, to arrest offenders, summarily to arrest a deserter from the military service of the United States and deliver him into the custody of the military authorities of the United States.

"ART. 107. SOLDIERS TO MAKE GOOD TIME LOST.—Every soldier who in an existing or subsequent enlistment deserts the service of the United States or without proper authority absents himself from his organization, station, or duty for more than one day, or who is confined for more than one day under sentence, or while awaiting trial and disposition of his case, if the trial results in conviction, or through the intemperate use of drugs or alcoholic liquor, or through disease or injury the result of his own misconduct, renders himself unable for more than one day to perform duty, shall be liable to serve, after his return to a full-duty status, for such period as shall, with the time he may have served prior to such desertion, unauthorized absence, confinement, or inability to perform duty, amount to the full term of that part of his enlistment period which he is required to serve with his organization before being furloughed to the Army reserve.

"ART. 108. SOLDIERS—SEPARATION FROM THE SERVICE.—No enlisted man, lawfully inducted into the military service of the United States, shall be discharged from said service without a certificate of discharge, signed by a field officer of the regiment or other organization to which the enlisted man belongs or by the commanding officer when no such field officer is present; and no enlisted man shall be discharged from said service before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

"ART. 109. OATH OF ENLISTMENT.—At the time of his enlistment every soldier shall take the following oath or affirmation: 'I, ———, do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to the Rules and Articles of War.' This oath or affirmation may be taken before any officer.

"ART. 110. CERTAIN ARTICLES TO BE READ AND EXPLAINED.—Articles one, two, and twenty-nine, fifty-four to ninety-six, inclusive, and one hundred and four to one hundred and nine, inclusive, shall be read and explained to every soldier at the time of his enlistment or muster in, or within six days thereafter, and shall be read and explained once every six months to the soldiers of every garrison, regiment, or company in the service of the United States.

Digitized by Google

"ART. 111. COPY OF RECORD OF TRIAL.—Every person tried by a general court-martial shall, on demand therefor, made by himself or by any person in his behalf, be entitled to a copy of the record of the trial.

"ART. 112. EFFECTS OF DECEASED PERSONS—DISPOSITION OF.—In case of the death of any person subject to military law, the commanding officer of the place or command will permit the legal representative or widow of the deceased, if present, to take possession of all his effects then in camp or quarters, and if no legal representative or widow be present, the commanding officer shall direct a summary court to secure all such effects; and said summary court shall have authority to convert such effects into cash, by public or private sale, not earlier than thirty days after the death of the deceased, and to collect and receive any debts due decedent's estate by local debtors; and as soon as practicable after converting such effects into cash said summary court shall deposit with the proper officer, to be designated in regulations, any cash belonging to decedent's estate, and shall transmit a receipt for such deposit, accompanied by any will or other papers of value belonging to the deceased, an inventory of the effects secured by said summary court, and a full account of his transactions to the War Department for transmission to the Auditor for the War Department for action as authorized by law in the settlement of the accounts of deceased officers or enlisted men of the Army; but if in the meantime the legal representative, or widow, shall present himself or herself to take possession of decedent's estate the said summary court shall turn over to him or her all effects not sold and cash belonging to said estate, together with an inventory and account, and make to the War Department a full report of his transactions.

"The provisions of this article shall be applicable to inmates of the United States Soldiers' Home who die in any United States military hospital outside of the District of Columbia where sent from the home for treatment.

"ART. 113. INQUESTS.—When at any post, fort, camp, or other place garrisoned by the military forces of the United States and under the exclusive jurisdiction of the United States, any person shall have been found dead under circumstances which appear to require investigation, the commanding officer will designate and direct a summary court-martial to investigate the circumstances attending the death; and, for this purpose, such summary court-martial shall have power to summon witnesses and examine them upon oath or affirmation. He shall promptly transmit to the post or other commander a report of his investigation and of his findings as to the cause of the death.

"ART. 114. AUTHORITY TO ADMINISTER OATHS.—Any judge advocate or acting judge advocate, the president of a general or special court-martial, any summary court-martial, the judge advocate or any assistant judge advocate of a general or special court-martial, the president or the recorder of a court of inquiry or of a military board, any officer designated to take a deposition, any officer detailed to conduct an investigation, and the adjutant of any command shall have power to administer oaths for the purposes of the administration of military justice and for other purposes of military administration; and in foreign places where the Army may be serving shall have the general powers of a notary public or of a consul of the United States in the administration of oaths, the execution and acknowledgment of legal instruments, the attestation of documents, and all other forms of notarial acts to be executed by persons subject to military law.

"ART. 115. APPOINTMENT OF REPORTERS AND INTERPRETERS.—Under such regulations as the Secretary of War may from time to time prescribe, the president of a court-martial or military commission, or a court of inquiry shall have power to appoint a reporter, who shall record the proceedings of and testimony taken before such court or commission and may set down the same, in the first instance, in shorthand. Under like regulations the president of a court-martial or military commission, or summary court, or court of inquiry may appoint an interpreter, who shall interpret for the court or commission.

"ART. 116. POWERS OF ASSISTANT JUDGE ADVOCATES.—An assistant judge advocate of a general court-martial shall be competent to perform any duty devolved by law, regulation, or the custom of the service upon the judge advocate of the court.

"ART. 117. REMOVAL OF CIVIL SUITS.—When any civil suit or criminal prosecution is commenced in any court of a State against any officer, soldier, or other person in the military service of the United States on account of any act done under color of his office or status, or in respect to which he claims any right, title, or authority under any law of the United States respecting the military forces thereof, or under the law of war, such suit or prosecution may at any time before the trial or final hearing thereof be removed for trial into the district court of the United States in the district where the same is pending in the manner prescribed in section thirty-three of the Act entitled 'An Act to codify, revise, and amend the laws relating to the judiciary,' ap-

Digitized by Google

proved March third, nineteen hundred and eleven, and the cause shall thereupon be entered on the docket of said district court and shall proceed therein as if the cause had been originally commenced in said district court and the same proceedings had been taken in such suit or prosecution in said district court as shall have been had therein in said State court prior to its removal, and said district court shall have full power to hear and determine said cause.

"ART. 118. OFFICERS—SEPARATION FROM SERVICE.—No officer shall be discharged or dismissed from the service except by order of the President or by sentence of a general court-martial; and in time of peace no officer shall be dismissed except in pursuance of the sentence of a court-martial or in mitigation thereof, nor discharged except in pursuance of statutes now in force or which may hereafter be enacted; but the President may at any time drop from the rolls of the Army any officer who has been absent from duty three months without leave or who has been absent in confinement in a prison or penitentiary for three months after final conviction by a court of competent jurisdiction.

"ART. 119. RANK AND PRECEDENCE AMONG REGULARS, MILITIA, AND VOLUNTEERS.—That in time of war or public danger, when two or more officers of the same grade are on duty in the same field, department, or command, or of organizations thereof, the President may assign the command of the forces of such field, department, or command, or of any organization thereof, without regard to seniority of rank in the same grade. In the absence of such assignment by the President, officers of the same grade shall rank and have precedence in the following order, without regard to date of rank or commission as between officers of different classes, namely: First, officers of the Regular Army and officers of the Marine Corps detached for service with the Army by order of the President; second, officers of forces drafted or called into the service of the United States; and, third, officers of the volunteer forces: *Provided*, That officers of the Regular Army holding commissions in forces drafted or called into the service of the United States or in the volunteer forces shall rank and have precedence under said commissions as if they were commissions in the Regular Army; but the rank of officers of the Regular Army under commissions in the National Guard as such shall not, for the purposes of this article, be held to antedate the acceptance of such officers into the service of the United States under said commissions.

"ART. 120. COMMAND WHEN DIFFERENT CORPS OR COMMANDS HAPPEN TO JOIN.—When different corps or commands of the military forces of the United States happen to join or do duty together the officer highest in rank of the line of the Regular Army, Marine Corps, forces drafted or called into the service of the United States or Volunteers, there on duty, shall, subject to the provisions of the last preceding article, command the whole and give orders for what is needful in the service, unless otherwise directed by the President.

"ART. 121. COMPLAINTS OF WRONGS.—Any officer or soldier who believes himself wronged by his commanding officer, and, upon due application to such commander, is refused redress, may complain to the general commanding in the locality where the officer against whom the complaint is made is stationed. The general shall examine into said complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, transmit to the Department of War a true statement of such complaint, with the proceedings had thereon."

SEC. 4. The provisions of section three of this act shall take effect and be in force on and after the first day of January, nineteen hundred and seventeen: *Provided*, That articles four, thirteen, fourteen, fifteen, twenty-nine, forty-two, forty-seven, forty-nine, and ninety-two shall take effect immediately upon the approval of this act.

SEC. 5. That all offenses committed and all penalties, forfeitures, fines, or liabilities incurred prior to the taking effect of this act, under any law embraced in or modified, changed, or repealed by this act, may be prosecuted, punished, and enforced in the same manner and with the same effect as if this act had not been passed.

SEC. 6. All laws and parts of laws in so far as they are inconsistent with this act are hereby repealed.

CHAMP CLARK,
Speaker of the House of Representatives.

THOS. R. MARSHALL,
Vice President of the United States and President of the Senate.

I certify that this act originated in the House of Representatives.

SOUTH TRIMBLE, *Clerk.*

O

Digitized by Google

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 1335.

VETO MESSAGE RELATING TO PUBLIC LANDS FOR CEMETERY AND PARK PURPOSES.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

RETURNING

WITHOUT APPROVAL HOUSE BILL 11162, AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO AUTHORIZE ENTRY OF THE PUBLIC LANDS BY INCORPORATED CITIES AND TOWNS FOR CEMETERY AND PARK PURPOSES," APPROVED SEPTEMBER 30, 1890, AND FOR OTHER PURPOSES.

AUGUST 22, 1916.—Referred to the Committee on the Public Lands and ordered to be printed.

To the House of Representatives:

I herewith return without my approval House bill 11162. My reasons for not signing the bill are these:

The act of September 30, 1890, which this bill is intended to amend, authorized incorporated cities and towns to acquire unreserved public lands for certain community uses. The bill which I return is intended to extend that authorization to portions of the national forests. I respectfully call your attention to the fact that such an extension of privilege is not in fact needed for the objects sought to be promoted by this bill, and that by its becoming law many very important safeguards to the preservation and development of the national forests would be removed which it is greatly to the public interest should be preserved.

National-forest lands can not be regarded as suitable for disposition for general purposes in the same way that unreserved public lands are. They are already devoted to public uses and should not be unnecessarily alienated. Their alienation is unnecessary because the objects of this bill can be attained, and are in large measure being attained, under existing law.

Whenever municipalities wish to secure national-forest lands for cemetery purposes it is the practice, under the act of September 30, 1890, to provide for such acquisition by eliminating the necessary tracts from the national forest domain by presidential proclamation.

Digitized by Google

No representation has been received from any municipality that under this proceeding the necessary lands for cemeteries could not be obtained. Demands for national-forest lands for sewerage purposes could be similarly dealt with under the law of 1890, and the same liberal policy now obtaining would undoubtedly be pursued with regard to them.

The act of February 1, 1905 (33 Stat., 628), already provides ample means for the use of national-forest lands for municipal water supply. The Department of Agriculture is now actually providing for the protection of the water supply of a large number of western municipalities under special cooperative agreements which fully safeguard the interests of the communities concerned. The department, indeed, recognizes the protection of the watersheds from which municipalities derive their supply of water against any form of contamination or conflicting use as one of the most important functions in its administration of the national forests. It has sought to bring about the extension of this form of use and protection and has repeatedly taken the initiative in calling the attention of various municipalities to the need of utilizing national-forest watershed areas and to the possibility of doing so without purchasing the lands. The department, moreover, is already providing for special local needs for recreation purposes by making the national forests freely available for such uses and by taking steps to develop their availability as public recreation grounds.

The bill which I return would give cities and towns the right to select and acquire a total of 1,440 acres of land for the several purposes mentioned at a uniform price of $1.25 an acre, without regard to the value of the timber on it or to the need of the land for other public purposes, or to the effect of the alienation of ownership on the administration of the forests, and especially upon the administration of adjacent or neighboring areas. Counties may select 640 acres. Since the same rights would accrue to new cities, towns, and counties, this general grant might in the long run result in the alienation of a very large proportion of the national-forest areas. It would probably result at times in the selection by cities, towns, and counties of lands which would in fact have a much larger public value if put to other uses. In some cases the loss of the lands selected would seriously hamper their development. No opportunity is afforded by the bill for weighing the general public interests against the local interests directly involved.

But the most serious objection to the bill is that it subjects the national forests to disposition under a general grant. At the very time while provision is being made for purchase by the Government of forested lands in the East for the protection of watersheds, it is proposed to permit similar lands in the West to be permanently alienated. I would respectfully urge that it is unwise to permit alienation of the national forests under general legislation of this sort. If the process of piecemeal distribution is begun, independently of any oversight or control of the National Government, there is manifest danger that the forests will be so disintegrated as to make their efficient administration impossible and the purposes for which they were established unattainable. Against such a process the national forests should be carefully protected.

WOODROW WILSON.

THE WHITE HOUSE, *August 22, 1916.*

Digitized by Google

[H. R. 11162. Sixty-fourth Congress of the United States of America; at the first session, begun and held at the city of Washington on Monday, the sixth day of December, one thousand nine hundred and fifteen.]

An act to amend an act entitled "An act to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes," approved September thirtieth, eighteen hundred and ninety, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress approved September thirtieth, eighteen hundred and ninety, entitled "An Act to authorize entry of the public lands by incorporated cities and towns for cemetery and park purposes" (Twenty-sixth Statutes at Large, page five hundred and two), be, and the same is hereby, amended to read as follows:

"That any incorporated city or town shall have the right, under rules and regulations prescribed by the Secretary of the Interior, to purchase, at $1.25 an acre, for cemetery or sewerage purposes, not exceeding one quarter section of nonmineral public lands not reserved for public use other than for a forest reserve, such lands to be located within five miles of the city or town applying therefor.

"SEC. 2. That any incorporated city or town shall have the right to select and acquire, under rules and regulations prescribed by the Secretary of the Interior, at $1.25 an acre, not exceeding six hundred and forty acres of nonmineral public lands not reserved for public use other than for a forest reserve necessary or useful for the protection of the water supply of said city or town, such lands to be located within twenty miles of the city or town applying therefor.

"SEC. 3. That any county or incorporated city or town shall have the right, under rules and regulations prescribed by the Secretary of the Interior, to select and acquire title to, at not exceeding $1.25 an acre, not exceeding six hundred and forty acres of nonmineral public lands not reserved for public use other than for a forest reserve for public park purposes, such lands to be within the exterior limits of the county applying therefor, and when such application is made by any incorporated city or town, such lands to be within the exterior limits of the county in which it is situated and within thirty miles of such city or town: *Provided*, That any such selection and grant for public park purposes shall be upon the express condition that the county, city, or town shall construct and maintain a substantial and permanent wagon and automobile road to the exterior limits of such public park, and in the case of the incorporated city or town such road shall extend from the city or town in question to the exterior limits of the public park.

"SEC. 4. That all patents issued under the provisions of this act shall contain the stipulation and reservation that the lands shall revert to the United States in case the county, city, or town shall fail to comply with the conditions herein expressed, shall fail to occupy or use the lands for the purpose granted, or shall attempt to sell or dispose of the same: *Provided*, That selections under this Act for lands within forest reserves shall be subject to approval by the Secretary of Agriculture."

CHAMP CLARK,
Speaker of the House of Representatives.

THOS. R. MARSHALL,
Vice President of the United States and President of the Senate.

I certify that this Act originated in the House of Representatives.

SOUTH TRIMBLE, *Clerk.*

O

Digitized by Google

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 1336.

NATIONAL FOREST ROAD LAW.

LETTER FROM THE FORESTER TO HON. EDWARD T. TAYLOR, CONTAINING INFORMATION RELATIVE TO THE PRACTICE OF THE AGRICULTURE DEPARTMENT IN THE EXPENDITURE OF THE FUNDS UNDER SECTION 8 OF THE GOOD-ROADS BILL, THE NATIONAL FOREST ROAD LAW.

AUGUST 22, 1916.—Ordered to be printed.

Section 8 of the good-roads law, to which this letter refers, is as follows:

SEC. 8. That there is hereby appropriated and made available until expended, out of any moneys in the National Treasury not otherwise appropriated, the sum of $1,000,000 for the fiscal year ending June thirtieth, nineteen hundred and seventeen, and each fiscal year thereafter, up to and including the fiscal year ending June thirtieth, nineteen hundred and twenty-six, in all $10,000,000, to be available until expended under the supervision of the Secretary of Agriculture, upon request from the proper officers of the State, Territory, or county for the survey, construction, and maintenance of roads and trails within or only partly within the national forests, when necessary for the use and development of resources upon which communities within and adjacent to the national forests are dependent: *Provided*. That the State, Territory, or county shall enter into a cooperative agreement with the Secretary of Agriculture for the survey, construction, and maintenance of such roads or trails upon a basis equitable to both the State, Territory, or county and the United States: *And provided also*. That the aggregate expenditures in any State, Territory, or county shall not exceed ten per centum of the value, as determined by the Secretary of Agriculture, of the timber and forage resources which are or will be available for income upon the national-forest lands within the respective county or counties wherein the roads or trails will be constructed; and the Secertary of Agriculture shall make annual report to Congress of the amounts expended hereunder.

That immediately upon the execution of any cooperative agreement hereunder the Secretary of Agriculture shall notify the Secretary of the Treasury of the amount to be expended by the United States within or adjacent to any national forest thereunder, and beginning with the next fiscal year and each fiscal year thereafter the Secretary of the Treasury shall apply from any and all revenues from such forest ten per centum thereof to reimburse the United States for expenditures made under such agreement until the whole amount advanced under such agreement shall have been returned from the receipts from such national forest.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, August 16, 1916.

Hon. EDWARD T. TAYLOR,
House of Representatives.

DEAR MR. TAYLOR: In response to your request for information regarding the plan under which the $1,000,000 annually appropriated under section 8 of the Federal aid road act will be distributed

Digitized by Google

between the different States in which the national forests are located and the rules and regulations which will govern the construction of such roads, I am glad to inform you that the general principles and policy which will govern in the matter have been approved by the Secretary of Agriculture.

Of the $1,000,000 available annually, 10 per cent will be withheld as a contingent fund from which the necessary expenses of administration will first be paid, and then the remainder of this contingent fund used by the Secretary within his discretion to increase the appropriation to any State or States where there may be immediate need for the construction of an approved project, the cost of which exceeds the regular allotment to the State. The remaining 90 per cent of the amount made annually available will be apportioned to the States as follows: One-half on the basis that the net national-forest area in each State bears to the total land area of such State, and one-half on the basis that the estimated value of the timber and forage resources of the national forests in such State bears to the total value of the timber and forage resources of the national forests of all the States; provided, however, that in the apportionment the States of Florida, Michigan, Minnesota, Nebraska, North Dakota, and Oklahoma will be considered as a unit of apportionment, and States within which lands have been acquired by the United States under the provisions of the Weeks law shall be considered as a unit of apportionment. The apportionment for the fiscal year ending June 30, 1917, will be made immediately, and the apportionment for future years will be made on or before January 30 next preceding the commencement of each succeeding fiscal year. Any amounts apportioned to the States that may remain unexpended for a period of three years and any balance of the contingent fund that may remain unexpended or unapportioned at the end of each year will be reapportioned by the Secretary to the several States in the manner provided for the original apportionment. Under this plan the amount to be expended in each of the States during the present fiscal year has tentatively been found to be as follows:

Alaska	$46,280	Florida	
Arizona	59,795	Michigan	
Arkansas	11,294	Minnesota	$9,552
California	140,763	Nebraska	
Colorado	62,335	North Dakota	
Idaho	108,010	Oklahoma	
Montana	69,901	Georgia	
Nevada	19,195	Maine	
New Mexico	42,622	New Hampshire	
Oregon	127,794	North Carolina	21,05
South Dakota	8,115	South Carolina	
Utah	40,982	Tennessee	
Washington	91,739	Virginia	
Wyoming	40,566	West Virginia	

Before deciding upon this plan of distribution many different factors were tried out in an endeavor to find the basis which would give the most satisfactory results and make the fairest distribution of funds among the different States. Among the factors tried were the area of the national forests in each State as compared with the area of the national forests in all of the States. This did not give as satisfactory results, however, as comparing the area of the national

Digitized by Google

forests in each State with the area of the State, for the reason that it did not take into consideration the comparatively greater need for Federal aid in the States having the larger proportion of their area within the national forests. The factor of receipts from the national forests gave unsatisfactory results for the reason that the greatest need for roads is often in localities where at present there is the least demand for timber and other forest resources. The factors of population and privately owned lands also gave very unsatisfactory results for the reason that they were very erratic and made a decidedly uneven distribution of the money. After a thorough trial of these and many other factors, it was finally decided that it would be best to make the distribution on the basis only of area and resources.

In arriving at the value of the timber resources, the estimated stand of mature timber was used as a basis, at a price per thousand feet which it is considered to be worth under present conditions, or, in other words, the actual cash value of the mature timber at the present time and under present conditions of transportation and accessibility. This gave more satisfactory results than a valuation on a flat rate which in fact would base the distribution on the amount of timber rather than its value. In fixing the value of the grazing resources it was estimated that the forage is actually worth twice the amount of the present moderate grazing fee, and that it should be capitalized on a basis of yielding 5 per cent income. Under this plan the grazing value of each forest was estimated to be twenty times double the present grazing fee for the number of stock it would support. This may be somewhat in favor of the States having proportionately the larger share of the grazing resources, but it is not more than its real value. The withholding of $100,000 each year as a contingent fund will give the Secretary of Agriculture an opportunity to increase the allotment of any State which apparently does not get its fair share of the appropriation under the above plan.

It will be required that applications shall be made by the proper officer or officers of the State or county within which the proposed road is located and filed with the district forester of the Forest Service on or before October 1, 1916, for participation in the apportionment for the fiscal year ending June 30, 1917, and thereafter that they shall be filed on or before January 1 next preceding each fiscal year.

Each application must contain a statement of the public needs to be served by the proposed road and the manner and extent to which it would aid in the development of the resources upon which communities within or adjacent to the national forests are dependent, and also must show the general location of the proposed road and its length, grade, and estimated cost. In general, States and counties will be required to furnish cooperation in an amount at least equal to 50 per cent of the estimated cost of surveys and construction. However, upon a satisfactory showing by the applicant State or county that such proportion of cooperation is inequitable, the Secretary may alter such proportion and fix the ratio of cooperation upon a basis equitable to both the State or county and the United States.

The cooperation by States and counties may be in the form of money, labor, and materials, or the construction of cooperative roads. It is anticipated that where other factors are equal the approval of a

Digitized by Google

project may be determined upon the relative amount of cooperation offered.

The complete set of rules and regulations is now being reviewed by the solicitor for the department, and immediately upon their approval by the Secretary of Agriculture I shall be glad to furnish you a complete copy of the same.

A great many applications have already been received and it is important that early action be taken. In all cases where applications have not already been filed with the district foresters, whose offices are located, respectively, at Missoula, Mont., Denver, Colo., Albuquerque, N. Mex., Ogden, Utah, San Francisco, Cal., Portland, Oreg., and Washington, D. C., early action should be taken if it is expected to ask for consideration of projects in the allotment of the funds available for the first year.

Very sincerely, yours,

H. S. GRAVES, *Forester.*

Digitized by Google

64TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | DOCUMENT No. 1340

HOURS OF SERVICE ON RAILROADS

ADDRESS

OF THE

PRESIDENT OF THE UNITED STATES

DELIVERED AT A JOINT SESSION OF THE TWO HOUSES OF CONGRESS

AUGUST 29, 1916

AUGUST 29, 1916.—Referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed

WASHINGTON
1916

Digitized by Google

Digitized by Google

HOURS OF SERVICE ON RAILROADS.

GENTLEMEN OF THE CONGRESS:

I have come to you to seek your assistance in dealing with a very grave situation which has arisen out of the demand of the employees of the railroads engaged in freight train service that they be granted an eight-hour working day, safeguarded by payment for an hour and a half of service for every hour of work beyond the eight.

The matter has been agitated for more than a year. The public has been made familiar with the demands of the men and the arguments urged in favor of them, and even more familiar with the objections of the railroads and their counter demand that certain privileges now enjoyed by their men and certain bases of payment worked out through many years of contest be reconsidered, especially in their relation to the adoption of an eight-hour day. The matter came some three weeks ago to a final issue and resulted in a complete deadlock between the parties. The means provided by law for the mediation of the controversy failed and the means of arbitration for which the law provides were rejected. The representatives of the railway executives proposed that the demands of the men be submitted in their entirety to arbitration, along with certain questions of readjustment as to pay and conditions of employment which seemed to them to be either closely associated with the demands or to call for reconsideration on their own merits; the men absolutely declined arbitration, especially if any of their established privileges were by that means to be drawn again in question. The law in the matter put no compulsion upon them. The four hundred thousand men from whom the demands proceeded had voted to strike if their demands were refused; the strike was imminent; it has since been set for the fourth of September next. It affects the men who man the freight trains on practically every railway in the country. The freight service throughout the United States must stand still until their places are filled, if, indeed, it should prove possible to fill them at all. Cities will be cut off from their food supplies, the whole commerce of the nation will be paralyzed, men of every sort and occupation will be thrown out of employment, countless thousands will in all likelihood be brought, it may be, to the very point of starvation, and a tragical national calamity brought on, to be added to the other distresses of the time, because no basis of accommodation or settlement has been found.

Digitized by Google

Just so soon as it became evident that mediation under the existing law had failed and that arbitration had been rendered impossible by the attitude of the men, I considered it my duty to confer with the representatives of both the railways and the brotherhoods, and myself offer mediation, not as an arbitrator, but merely as spokesman of the nation, in the interest of justice, indeed, and as a friend of both parties, but not as judge, only as the representative of one hundred millions of men, women, and children who would pay the price, the incalculable price, of loss and suffering should these few men insist upon approaching and concluding the matters in controversy between them merely as employers and employees, rather than as patriotic citizens of the United States looking before and after and accepting the larger responsibility which the public would put upon them.

It seemed to me, in considering the subject-matter of the controversy, that the whole spirit of the time and the preponderant evidence of recent economic experience spoke for the eight-hour day. It has been adjudged by the thought and experience of recent years a thing upon which society is justified in insisting as in the interest of health, efficiency, contentment, and a general increase of economic vigor. The whole presumption of modern experience would, it seemed to me, be in its favor, whether there was arbitration or not, and the debatable points to settle were those which arose out of the acceptance of the eight-hour day rather than those which affected its establishment. I, therefore, proposed that the eight-hour day be adopted by the railway managements and put into practice for the present as a substitute for the existing ten-hour basis of pay and service; that I should appoint, with the permission of the Congress, a small commission to observe the results of the change, carefully studying the figures of the altered operating costs, not only, but also the conditions of labor under which the men worked and the operation of their existing agreements with the railroads, with instructions to report the facts as they found them to the Congress at the earliest possible day, but without recommendation; and that, after the facts had been thus disclosed, an adjustment should in some orderly manner be sought of all the matters now left unadjusted between the railroad managers and the men.

These proposals were exactly in line, it is interesting to note, with the position taken by the Supreme Court of the United States when appealed to to protect certain litigants from the financial losses which they confidently expected if they should submit to the regulation of their charges and of their methods of service by public legislation. The Court has held that it would not undertake to form a judgment upon forecasts, but could base its action only upon actual experience; that it must be supplied with facts, not with cal-

Digitized by Google

culations and opinions, however scientifically attempted. To undertake to arbitrate the question of the adoption of an eight-hour day in the light of results merely estimated and predicted would be to undertake an enterprise of conjecture. No wise man could undertake it, or, if he did undertake it, could feel assured of his conclusions.

I unhesitatingly offered the friendly services of the administration to the railway managers to see to it that justice was done the railroads in the outcome. I felt warranted in assuring them that no obstacle of law would be suffered to stand in the way of their increasing their revenues to meet the expenses resulting from the change so far as the development of their business and of their administrative efficiency did not prove adequate to meet them. The public and the representatives of the public, I felt justified in assuring them, were disposed to nothing but justice in such cases and were willing to serve those who served them.

The representatives of the brotherhoods accepted the plan; but the representatives of the railroads declined to accept it. In the face of what I cannot but regard as the practical certainty that they will be ultimately obliged to accept the eight-hour day by the concerted action of organized labor, backed by the favorable judgment of society, the representatives of the railway management have felt justified in declining a peaceful settlement which would engage all the forces of justice, public and private, on their side to take care of the event. They fear the hostile influence of shippers, who would be opposed to an increase of freight rates (for which, however, of course, the public itself would pay); they apparently feel no confidence that the Interstate Commerce Commission could withstand the objections that would be made. They do not care to rely upon the friendly assurances of the Congress or the President. They have thought it best that they should be forced to yield, if they must yield, not by counsel, but by the suffering of the country. While my conferences with them were in progress, and when to all outward appearance those conferences had come to a standstill, the representatives of the brotherhoods suddenly acted and set the strike for the fourth of September.

The railway managers based their decision to reject my counsel in this matter upon their conviction that they must at any cost to themselves or to the country stand firm for the principle of arbitration which the men had rejected. I based my counsel upon the indisputable fact that there was no means of obtaining arbitration. The law supplied none; earnest efforts at mediation had failed to influence the men in the least. To stand firm for the principle of arbitration and yet not get arbitration seemed to me futile, and something more than futile, because it involved incalculable distress to the country

Digitized by Google

and consequences in some respects worse than those of war, and that in the midst of peace.

I yield to no man in firm adherence, alike of conviction and of purpose, to the principle of arbitration in industrial disputes; but matters have come to a sudden crisis in this particular dispute and the country had been caught unprovided with any practicable means of enforcing that conviction in practice (by whose fault we will not now stop to inquire). A situation had to be met whose elements and fixed conditions were indisputable. The practical and patriotic course to pursue, as it seemed to me, was to secure immediate peace by conceding the one thing in the demands of the men which society itself and any arbitrators who represented public sentiment were most likely to approve, and immediately lay the foundations for securing arbitration with regard to everything else involved. The event has confirmed that judgment.

I was seeking to compose the present in order to safeguard the future; for I wished an atmosphere of peace and friendly cooperation in which to take counsel with the representatives of the nation with regard to the best means for providing, so far as it might prove possible to provide, against the recurrence of such unhappy situations in the future,—the best and most practicable means of securing calm and fair arbitration of all industrial disputes in the days to come. This is assuredly the best way of vindicating a principle, namely, having failed to make certain of its observance in the present, to make certain of its observance in the future.

But I could only propose. I could not govern the will of others who took an entirely different view of the circumstances of the case, who even refused to admit the circumstances to be what they have turned out to be.

Having failed to bring the parties to this critical controversy to an accommodation, therefore, I turn to you, deeming it clearly our duty as public servants to leave nothing undone that we can do to safeguard the life and interests of the nation. In the spirit of such a purpose, I earnestly recommend the following legislation:

First, immediate provision for the enlargement and administrative reorganization of the Interstate Commerce Commission along the lines embodied in the bill recently passed by the House of Representatives and now awaiting action by the Senate; in order that the Commission may be enabled to deal with the many great and various duties now devolving upon it with a promptness and thoroughness which are with its present constitution and means of action practically impossible.

Second, the establishment of an eight-hour day as the legal basis alike of work and of wages in the employment of all railway employees who are actually engaged in the work of operating trains in interstate transportation.

Digitized by Google

Third, the authorization of the appointment by the President of a small body of men to observe the actual results in experience of the adoption of the eight-hour day in railway transportation alike for the men and for the railroads; its effects in the matter of operating costs, in the application of the existing practices and agreements to the new conditions, and in all other practical aspects, with the provision that the investigators shall report their conclusions to the Congress at the earliest possible date, but without recommendation as to legislative action; in order that the public may learn from an unprejudiced source just what actual developments have ensued.

Fourth, explicit approval by the Congress of the consideration by the Interstate Commerce Commission of an increase of freight rates to meet such additional expenditures by the railroads as may have been rendered necessary by the adoption of the eight-hour day and which have not been offset by administrative readjustments and economies, should the facts disclosed justify the increase.

Fifth, an amendment of the existing federal statute which provides for the mediation, conciliation, and arbitration of such controversies as the present by adding to it a provision that in case the methods of accommodation now provided for should fail, a full public investigation of the merits of every such dispute shall be instituted and completed before a strike or lockout may lawfully be attempted.

And, sixth, the lodgement in the hands of the Executive of the power, in case of military necessity, to take control of such portions and such rolling stock of the railways of the country as may be required for military use and to operate them for military purposes, with authority to draft into the military service of the United States such train crews and administrative officials as the circumstances require for their safe and efficient use.

This last suggestion I make because we cannot in any circumstances suffer the nation to be hampered in the essential matter of national defense. At the present moment circumstances render this duty particularly obvious. Almost the entire military force of the nation is stationed upon the Mexican border to guard our territory against hostile raids. It must be supplied, and steadily supplied, with whatever it needs for its maintenance and efficiency. If it should be necessary for purposes of national defense to transfer any portion of it upon short notice to some other part of the country, for reasons now unforeseen, ample means of transportation must be available, and available without delay. The power conferred in this matter should be carefully and explicitly limited to cases of military necessity, but in all such cases it should be clear and ample.

There is one other thing we should do if we are true champions of arbitration. We should make all arbitral awards judgments by

Digitized by Google

record of a court of law in order that their interpretation and enforcement may lie, not with one of the parties to the arbitration, but with an impartial and authoritative tribunal.

These things I urge upon you, not in haste or merely as a means of meeting a present emergency, but as permanent and necessary additions to the law of the land, suggested, indeed, by circumstances we had hoped never to see, but imperative as well as just, if such emergencies are to be prevented in the future. I feel that no extended argument is needed to commend them to your favorable consideration. They demonstrate themselves. The time and the occasion only give emphasis to their importance. We need them now and we shall continue to need them.

O

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 1343.

NATIONAL ARCHIVES BUILDING.

LETTER

FROM

THE ACTING SECRETARY OF THE TREASURY,

SUBMITTING

TENTATIVE DRAFT OF AMENDMENT TO PARAGRAPH 6 OF SECTION 21 OF THE OMNIBUS PUBLIC BUILDINGS ACT APPROVED MARCH 4, 1913, RELATING TO NATIONAL ARCHIVES BUILDING.

AUGUST 29, 1916.—Referred to the Committee on Public Buildings and Grounds and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, August 22, 1916.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: Referring to the provision in the act of Congress approved March 4, 1913 (public building act, 37 Stat., 884), for the proposed archives building in this city: Additional legislation is necessary, and I submit herewith a tentative draft of what the department believes will meet the requirements. If it meets with your approval will you kindly have the bill introduced.

Respectfully,

B. R. NEWTON, *Acting Secretary.*

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph six of section twenty-one of the omnibus public building act approved March fourth, nineteen hundred and thirteen, be, and the same is hereby, amended so as to add at the end of said paragraph the following, viz: "*Provided,* That if no land already belonging to the United States in the city of Washington is approved by said commission as a site for the national archives building, the limit of cost for the acquisition of a site for said building by purchase, condemnation, or otherwise is hereby limited to a sum not in excess of $1,000,000: *And provided further,* That if, in the acquisition of a site of sufficient area to accommodate said building, it becomes necessary to acquire parcels separated by streets and alleys, authority is hereby given for the closing of such portions of intersecting streets and alleys as may be necessary in order to combine the several parcels acquired for said site.

Digitized by Google

"That, upon the acquisition of the site, the Secretary of the Treasury be, and he is hereby, further authorized and empowered to enter into contracts for the erection of such portion of said national archives building as will, in accordance with the provisions of paragraph three of said section twenty-one of the public building act approved March fourth, nineteen hundred and thirteen, provide not less than three million cubic feet of interior space, together with proper mechanical equipment, including heating, lighting, ventilating apparatus, elevators, hoists, plumbing system and approaches, etc., but exclusive of metal stacks and conveyors, within the limit of cost heretofore fixed for said portion of the building of $1,500,000.

"That before the completion of said national archives building the Secretary of the Treasury shall submit to Congress estimates of appropriations for metal stacks, conveyors, furniture, fixtures, fittings, and equipment to fit said building complete for occupancy, and upon the necessary appropriations being provided therefor is authorized to enter into contracts therefor not in excess of such amounts as may hereafter be appropriated for such purpose.

"That the Secretary of the Treasury is hereby authorized to incur the necessary expenditures for the employment, without regard to civil-service laws, rules, or regulations, and to pay for at customary rates of compensation of such technical and engineering services in the Office of the Supervising Architect as may be necessary exclusively to aid in the preparation of the drawings, specifications, and estimates for said building, and for necessary traveling expenses incident thereto, at a total cost for such technical and engineering services and traveling expenses of not to exceed $35,000. That such appropriations as may be made for such technical and engineering services and traveling expenses shall become immediately available upon the approval of the act or acts in which the same may be contained and, together with any balance remaining of the appropriation of $5,000, contained in paragraph seven of section twenty-one of said public-building act of March fourth, nineteen hundred and thirteen, not needed for the preparation of further sketches and estimates, shall remain available until expended for the purposes prescribed in this paragraph."

O

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 1344.

DAMAGES TO ITALIAN BARK "FENICE."

LETTER

FROM

THE SECRETARY OF WAR,

SUBMITTING

INFORMATION RELATIVE TO DAMAGES TO THE ITALIAN BARK "FENICE" IN COLLISION WITH U. S. BARGE "NO. 15."

AUGUST 21, 1916.—Referred to the Committee on Foreign Affairs and ordered to be printed.

WAR DEPARTMENT,
Washington, August 19, 1916.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: Your attention is invited to the inclosed letter of the Department of State of August 14, 1916, which transmits, with a view of my urging upon Congress early provision for settlement of the claim, a copy of a communication from the Royal Embassy of Italy, dated Beverly Farms, Mass., August 3, 1916, asking the State Department to expedite the settlement of the claim of the Italian bark *Fenice* for damages resulting from a collision, on January 12, 1911, between that vessel and a barge belonging to the United States which was employed under the Engineer Department, United States Army, in river and harbor improvement at Gulfport, Miss.

2. An appropriation for the purpose of relief has several times been recommended by me, and I beg to call attention to such an item printed on page 622 of the Book of Estimates for 1917, reading as follows:

Relief of Italian bark Fenice: That the Secretary of the Treasury is hereby directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $872.96 to the Italian consular agent at Gulfport, Mississippi, to reimburse the Italian bark Fenice for expenses incurred in repairing damages caused by collision with the United States barge Number Fifteen.

As stated in House Document No. 595, Sixty-third Congress, second session, on January 12, 1911, the U. S. barge *No. 15*, under tow of the U. S. launch *Biloxi* collided with the Italian bark *Fenice* lying

Digitized by Google

in the harbor of Gulfport, Miss., inflicting a dent about 1¼ inches deep in one of the steel plates of the bark's hull. The collision was due to the fact that the barge in a narrow channel was caught at the forward end by a cross current, which threw it against the bark, the launch not being sufficiently powerful to control its movements under the circumstances. The bark was in no way at fault.

3. There is no doubt that the United States was entirely responsible for this accident and its resulting damages which occurred over five years ago, and it is urgently recommended that the Committee on Appropriations of the House of Representatives favorably consider this item for relief in connection with the general deficiency bill now under consideration and accomplish a long-deferred act of justice.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

DEPARTMENT OF STATE,
Washington, August 14, 1916.

The SECRETARY OF WAR.

SIR: Referring to correspondence with your department in 1911, 1913, and 1914, regarding the settlement for the injuries alleged to have been done to the Italian sailing vessel *Fenice* in a collision with a ferryboat belonging to the harbor work department of Gulfport, Miss., I have the honor to inclose a copy of a verbal note from the Italian Embassy calling attention to House Document No. 613, Sixty-second Congress, second session, and pointing out that although five years and more have passed since the collision and although the right of the sufferers to payment of damages has long been recognized, nevertheless no payment has been made. The Italian Embassy expresses the hope that some action in settlement of this claim may be expedited.

I have the honor to inquire whether, in view of the facts stated by the embassy, it may not be possible for you to urge upon Congress early provision for the settlement of this claim.

I have the honor to be, sir, your obedient servant,

ROBERT LANSING.

[Translation.]

ROYAL EMBASSY OF ITALY,
Beverly Farms, Mass., August 3, 1916.

The Royal Embassy of Italy, referring to the correspondence exchanged with the honorable Department of State in 1911, 1913, and 1914, about the settlement of the injuries done to the Italian sailing vessel *Fenice* in a collision with a ferryboat belonging to the harbor work department of Gulfport, Miss., and recalling the assurances received on the subject from the Department of State, has the honor to remark that, although five years and more have passed since the collision and although the right of the sufferers to payment of damages has long been duly recognized, as shown by Document No. 613, House of Representatives, Sixty-second Congress, second

Digitized by Google

session, the sufferers themselves have not yet been awarded payment of the sum due them.

The Royal Embassy of Italy wishes to bring the foregoing to the courteous notice of the honorable Department of State, cherishing the hope that taking into account the justice of the interested parties' cause and the loss to them from deferred payment, it will kindly endeavor to expedite the settlement of a claim.

O

Digitized by Google

Digitized by Google

SIXTY-FOURTH CONGRESS, FIRST SESSION HOUSE DOCUMENT 1064

EXERCISES

ATTENDING THE UNVEILING OF THE

Statuary of the Pediment of the House Wing of the United States Capitol Building

WEDNESDAY, AUGUST 2, 1916
10.30 A. M.

AUGUST 30, 1916.—Ordered to be printed, with illustrations

WASHINGTON
GOVERNMENT PRINTING OFFICE
1916

Digitized by Google

Digitized by Google

Sixty-Fourth Congress, First Session House Document 1354

EXERCISES ATTENDING THE UNVEILING OF THE STATUARY OF THE PEDIMENT OF THE HOUSE WING OF THE UNITED STATES CAPITOL BUILDING

WEDNESDAY, AUGUST 2, 1916

10.30 A. M.

AUGUST 30, 1916.—Ordered to be printed, with illustrations

WASHINGTON
GOVERNMENT PRINTING OFFICE
1916

Digitized by Google

HOUSE OF REPRESENTATIVES, UNITED STATES

COMMITTEE ON THE LIBRARY

SIXTY-FOURTH CONGRESS

JAMES L. SLAYDEN, Texas, *Chairman*

FRANK CLARK, Florida

THOMAS G. PATTEN, New York

WILLIAM B. MCKINLEY, Illinois

EDWARD W. GRAY, New Jersey

CHESTER HARRISON, *Clerk*

Digitized by Google

RESOLUTION

ON Thursday, July 27, 1916, the following resolution, introduced by Mr. SLAYDEN, chairman of the Committee on the Library, was agreed to:

Resolved, That the Committee on the Library shall arrange for appropriate exercises at the unveiling of the pediment on the east front of the House wing of the Capitol at 10.30 o'clock a. m., Wednesday, August 2; and be it further

Resolved, That the Members of the Senate be invited to be present at the exercises.

Digitized by Google

Digitized by Google

ORDER OF EXERCISES

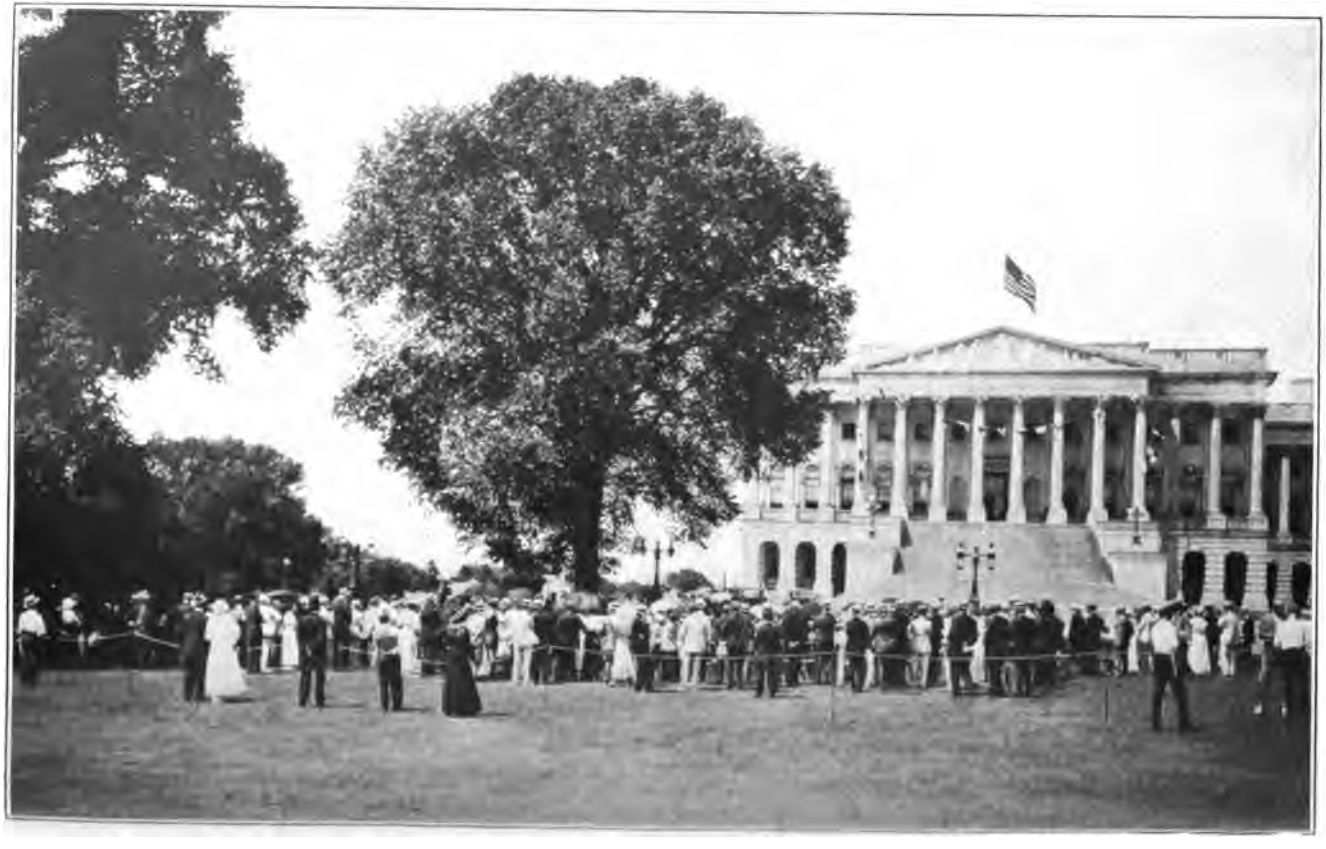
MUSIC - - - - - - - - -	UNITED STATES MARINE BAND W. H. Santelmann, Director
INVOCATION - - - - - -	REV. HENRY N. COUDEN, D. D. Chaplain, United States House of Representatives
ADDRESS - - - - - - - -	HON. JAMES L. SLAYDEN, M. C. Chairman, House Committee on Library and Member of Commission
UNVEILING OF THE STATUARY -	Accompanied by Music by the UNITED STATES MARINE BAND
ADDRESS - - - - - - - - - -	PAUL W. BARTLETT Sculptor of the Pediment Statuary
ADDRESS - - - - - - - - - -	HON. CHAMP CLARK Speaker, United States House of Representatives Chairman of the Commission
BENEDICTION - - - - -	REV. FORREST J. PRETTYMAN, D. D. Chaplain, United States Senate
MUSIC - - - - - - - - -	UNITED STATES MARINE BAND

H D—64-1—vol 145——44

Digitized by Google

Digitized by Google

Digitized by Google



Digitized by Google

PROCEEDINGS AT THE UNVEILING

7

Digitized by Google

Digitized by Google

ADDRESS OF HON. JAMES L. SLAYDEN

OF TEXAS

LADIES AND GENTLEMEN:

I AM this morning in receipt of a telegram from the former chairman of the House Committee on the Library, the gentleman who proposed the appropriation for the procurement of this statuary. I will read his telegram to you:

BOSTON, MASS., *August 1, 1916.*

Hon. JAMES L. SLAYDEN,
Committee on the Library,
House of Representatives, Washington, D. C.:

Only just received your letter. Greatly regret can not be present at unveiling of statuary in House pediment. I take great pride in having been impressed with something very obvious and introducing a bill for statuary for the House pediment which had been overlooked for over half a century, and am also glad I was able to help in securing services of Mr. Bartlett. I congratulate you that you are about to unveil what I think is the finest large statuary group in America. If I had known earlier of the unveiling, I should have come to Washington to witness it. With thanks for your thought in inviting me to be present,

SAMUEL W. MCCALL.

The original members of the commission for procuring statuary for the pediment of the House wing of the Capitol were the then Speaker, JOSEPH G. CANNON, of Illinois; Senators George P. Wetmore, of Rhode Island; Henry C. Hansbrough, of North Dakota; Frank O. Briggs, of New Jersey; John W. Daniel, of Virginia; FRANCIS G. NEWLANDS, of Nevada; and Representatives Samuel W. McCall, of Massachusetts; James P. Connor, of Iowa; EDWARD L. HAMILTON, of Michigan; William M. Howard, of Georgia; and Charles R. Thomas, of North Carolina. Associated with them was Elliott Woods, then and now the efficient Superintendent of the Capitol. [Applause.]

Unfortunately some of these distinguished gentlemen did not live to see the fruit of their labors, but, like the fathers who selected the architect of the Capitol, they exercised good judgment, and perhaps builded better than they knew.

Digitized by Google

The act by which this work was authorized was approved April 16, 1908, and to us Americans, with our unmatched genius for hurry, eight years seem a long time to wait. But we should try to realize that the creative artist can not get inspiration by contract, nor, like the handicraftsman, work his eight hours a day, six days in the week, and do his best, and since seeing the satisfactory result of Mr. Bartlett's labors I am glad that he was given all the time he needed.

If Rome had been built in a day, it would not have remained to be the wonder and delight of the centuries. "Our little systems have their day," governments rise and fall, customs change, and races supersede one another, but true art alone, especially that of the sculptor and architect, survives unchanging and a joy forever, its beauty increasing with its age.

I suppose there are still a few people who believe that such an investment as this is a waste of public money, people who mistake crudeness and bareness for the noble simplicity that should characterize a democracy. They seem to resent beauty and dignity in public buildings that house the legislative and executive bodies of the Government.

But that is not true of the people, and if any such Philistines remain they should stand for an hour on this plaza and observe their wondering and delighted fellow countrymen when viewing the Capitol for the first time. In their glowing faces one can read pride of ownership and pleasure in its magnificence. [Applause.]

After seeing that I am sure they would never again complain of its cost. These travelers take away with them an appreciation and heightened standard of beauty that will bring forth fruit according to its kind in many a town and village remote from the Capitol.

This pediment seems to me a fitting adornment of one of the greatest buildings ever constructed. Every American is justly proud of this temple of democracy, open to all the people all the time, and into which his prayers and his commands never fail to penetrate no matter what critics may say to the contrary. No decoration is too noble for it, nothing is too good for the people of our Republic, to whose use this house is consecrated and whose taste it reflects.

Digitized by Google

Beauty has its value, its moral, economic, and intellectual value. It is easier to sin amid ugliness than when surrounded by beauty, and the importance of attractive surroundings in legislative work should not be overlooked. The elevating influence and inspiration of such an environment are often unconsciously reflected in the law.

In this pediment we have the artist's dream of the grandeur of the arts of agriculture and the industries prospering under the conditions of peace.

In these days of almost universal war and horrors that have spread over three great divisions of the earth, of a war that has even colored the waters of American seas with the blood of men, it is pleasant to turn to the contemplation of the peaceful arts, the things by which nations are built up instead of being destroyed.

Let us all therefore rejoice in the thought that this work of an American sculptor, under the direction of the American Congress, will give pleasure and profit to untold generations of free, happy, American citizens. [Applause.]

Next on this program is the unveiling of the statuary, which will be followed by an address by the author of it, Mr. Paul W. Bartlett.

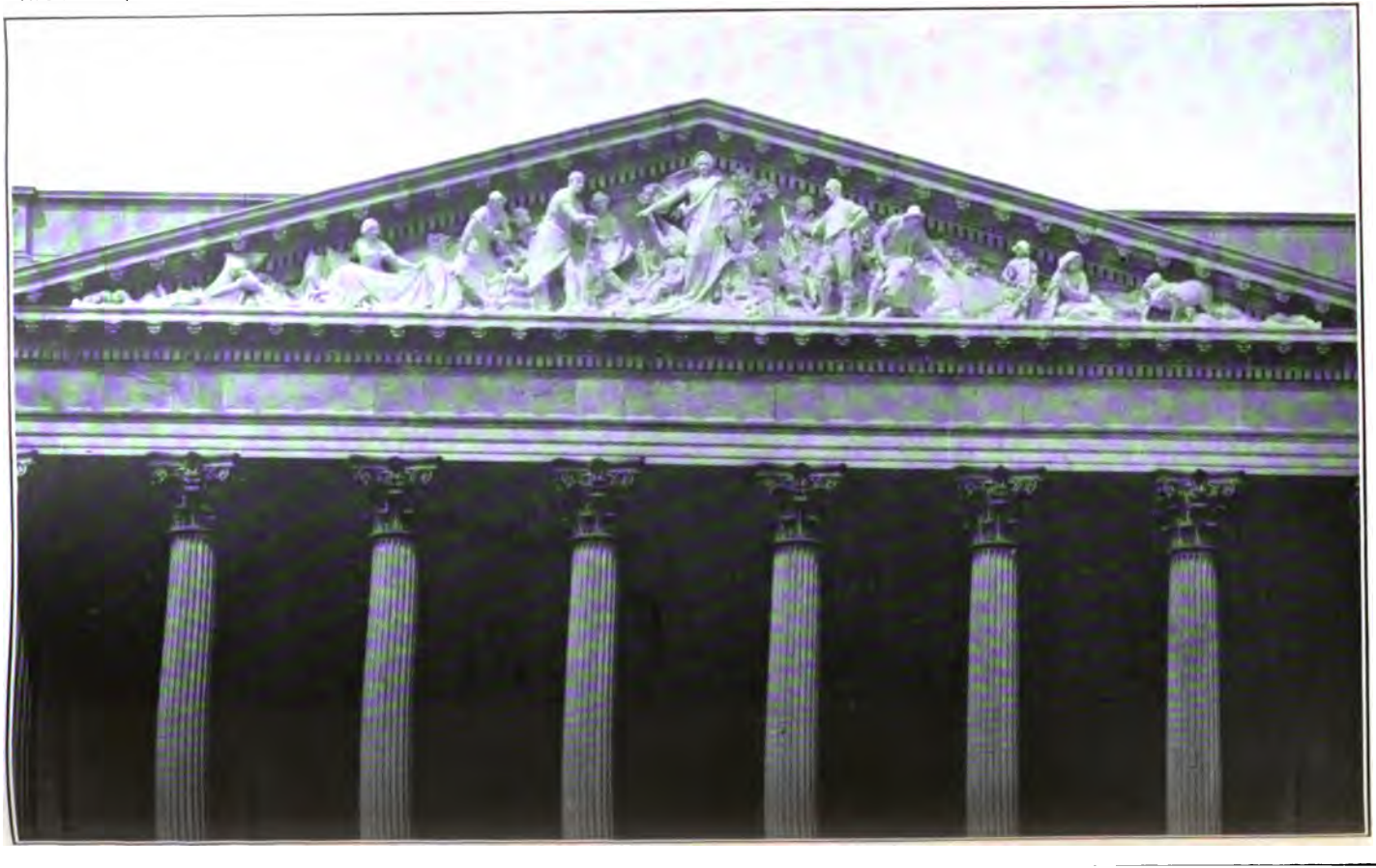
[The unveiling of the statuary then took place.]

Mr. SLAYDEN. Ladies and gentlemen, I have now the pleasure of presenting to you Mr. Paul W. Bartlett, sculptor of the pediment statuary.

Digitized by Google

Digitized by Google

Digitized by Google



Digitized by Google

ADDRESS OF PAUL W. BARTLETT

SCULPTOR OF THE PEDIMENT STATUARY

MR. CHAIRMAN, GENTLEMEN OF THE SENATE, GENTLEMEN OF THE HOUSE, LADIES AND GENTLEMEN:

IT IS certainly very unusual for an artist to be invited to speak at the unveiling of his own production, but this ceremony is unusual in so many ways that I hope I may be forgiven for having accepted the invitation.

To be able to leave one's imprint in sculpture on the noblest building of this country is a great honor.

To have the opportunity to make an effort to add to its grandeur and beauty is, without doubt, a rare privilege.

It has also been a great responsibility, and you may well believe that the responsibility of this privilege has never been forgotten for a moment during these long years of work and study.

The preliminary negotiations concerning this undertaking brought me in contact with Senators George Peabody Wetmore and the Hon. Samuel W. McCall, chairmen, at that time, of the Senate and House Committees on the Library.

When we came to discuss the subject or theme to be represented on the pediment, I was told that there was a vague feeling in the committee that the subject should be taken from the history of the United States.

We came, however, to the conclusion that the theme should be of the present rather than of the past.

We thought, because the House represents in its largest sense the people, that the people—the life and labors of the people—should be portrayed on this building, this temple of democracy. Hence this conception.

An allegorical group consisting of two figures, "Peace protecting Genius," fills the center of the pediment. "Peace," an armed "Peace," stands erect, draped in a mantle which almost completely hides her breastplate and coat of mail; her left arm rests on her buckler, which is supported by the altar at her side; in the background the "olive tree of peace." Her right

Digitized by Google

arm is extended in a gesture of protection over the youthful and winged figure of "Genius," who nestles confidingly at her feet and holds in his right hand the torch of "Immortality." The composition is completed by two other groups, symbolizing and typifying the two great fundamental powers of labor, the two great sources of wealth—Agriculture and Industry.

The most modest of our farmers and laborers can find in these groups the symbol of his own self and of his endeavors. He may even find his own resemblance there, and he will see that his helpmate, his children, his cattle, and the harvest of his fields have been exalted and carved in marble forms on the Capitol of the United States. The printer, the iron and steel worker, the founder may do the same and enjoy the same profound satisfaction. The toiling factory girl, spinner or weaver of textiles, will observe that she has not been forgotten, and those who are devoted to the sea can discover a group which will remind them of the joys of their vocation.

A wave terminates the sculpture at either end of the pediment, and is meant to indicate that all this humanity, all its power and energy, are comprised between the shores of two oceans—the Atlantic and the Pacific.

So much for the poetic and philosophic.

Permit me now to say a few words about the technique: For a real artist every new subject, every new undertaking, is a new problem and requires a new solution, adapted, of course, to the special characteristics of the case in hand. Any art which is not based on this principle is not a "living" art. Any effort to use an old solution for a new problem is the admission of artistic impotence, and the artist in so doing not only eludes the difficulties of his new problem but also loses his opportunity to discover, perhaps, some new form of beauty.

Now, one of the important problems to be solved in this case was the amalgamation of the living forms of to day with the classic details of a semiclassic style.

In using our brawny types of men and women from factory and field, in modeling their simple working clothes, it was necessary to execute these figures in such a manner that they should not conflict with this distinguished but rather delicate architecture. It was necessary that they should have a distinctive decorative character, in harmony with their immediate

Digitized by Google

surroundings. Too much realism would have been ugly; too much classicism would have been fatal.

Usually pediments are composed for a general front view, and are approached by a spacious avenue forming a vista. This happens here only for the central pediment. The fact that this building has such a wide façade and three pediments, that it is generally approached by the sides, and that a person standing on the plaza has a slanting view of at least two pediments, changes entirely the ordinary scheme and has necessitated a new principle of composition. The means employed to meet this contingency are not very visible from the plaza—they were not meant to be visible—but great care has been used in the effort to make the side views equal in interest to the full front view.

There were other problems, such as the scale and grouping of the figures, the spacing of the groups, and so forth, of which I will not speak. Suffice it to say that with time and study they were solved to my satisfaction. The method of work was as follows: First a small sketch was made, then a larger one, and then another. These were changed, figures were taken away and others put in their places, so on and on in a continual effort to improve the scheme until the final models were finished, ready to be carved in marble, erected, doweled, and cemented in place.

Permit me now on this momentous occasion to sincerely thank the Committee on the Library for their confidence, and for having permitted me to carry out this work in my own way and within my own time.

I also desire to express my appreciation for the kindness and intelligent interest which has been bestowed upon me by Mr. Elliott Woods, Superintendent of the Capitol, and by his collaborators. They have never failed me since I first met them in 1909.

Mr. SLAYDEN. Ladies and gentlemen, a few minutes ago my friend Mr. MANN pointed to the pediment and said that that was the pièce de résistance, as they call it out in Illinois; but I knew just what it was to be—first, the speech of Mr. Bartlett, and then that of our distinguished Speaker, the Hon. CHAMP CLARK, who will now address you. [Applause.]

Digitized by Google

Digitized by Google

ADDRESS OF HON. CHAMP CLARK

OF MISSOURI

LADIES AND GENTLEMEN:

MR. Chairman SLAYDEN and Mr. Bartlett, the distinguished artist, have so thoroughly described the beautiful statuary that it would be superfluous to say anything more about that. It is universally conceded that Washington is the finest capital city in the world. [Applause.] The United States has the largest homogeneous population of all the nations of the earth. We have the most stately Capitol Building in the world, which has become the model for capitol buildings everywhere.

I, as Speaker of the House of Representatives, accept this statuary on behalf of the Congress and the people. This is the finishing touch to the Capitol Building, and especially to the House of Representatives. The first man who ever lifted up his voice in an oratorical way in the splendid Hall of the House was Samuel Sullivan Cox, popularly named "Sunset Cox," of Ohio, in 1857; and if all the oratory that has been uttered in it since were printed in books the world would hardly contain them. [Laughter.]

The Constitutional Convention was the wisest set of men that ever met under one roof. [Applause.] The wisest thing that they did was to divide the governmental machinery of this country into three separate departments. The next wisest was to divide the Congress into two branches. Some lady asked George Washington at a great dinner what the Senate was created for, and why they had two legislative branches instead of only one. He said that the Senate would perform the same function for legislation that a saucer did for tea, that they would pour the hot tea of the House into the saucer of the Senate to cool off. [Laughter.] Evidently Gen. Washington was not up to date in pink-tea etiquette or he would not have said anything about pouring your tea into a saucer.

This Republic is the only real republic that ever existed on the face of the earth. [Applause.] We talk about the republics

Digitized by Google

of Greece and Rome, and the rest of them. They were simply oligarchies. The intricate and delicate and elaborate system of checks and balances in our system of government is what has preserved it to the present day, and what will preserve it, let us hope, for all time to come. [Applause.]

The idea of free government is not new. We did not originate it. We have developed it and put it into practice. It has been in the minds of men from a time whereof the memory of man runneth not to the contrary. Whoever wrote the Shakespeare plays put these words into the mouth of Brutus in his speech defending himself for the assassination of Cæsar:

> Here comes his body, mourned by Mark Antony; who, though he had no hand in his death, shall receive the benefit of his dying, a place in the commonwealth; as which of you shall not?

There is the case in a nutshell, the essence of representative government—"a place in the commonwealth."

When Frederick Augustus Muhlenberg called the first House of Representatives to order he presided over 56 men. North Carolina and Rhode Island had not gotten in then. When they did come in, they increased his little flock to 65. I preside over 435 Representatives, 2 Territorial Delegates, and 3 Resident Commissioners. A couple of years ago they rededicated the old Congressional Hall in Philadelphia, after having fixed it up handsomely. President Wilson and myself made speeches. Going over there I figured it out that if we had the same ratio for Representatives now that we had under the first census and the same population that we have now, we would have 2,776 Members in the House of Representatives. This is one index to our marvelous growth.

The legislative body in every free country is the most important of the three branches—judicial, legislative, and executive. We come from the people, we represent the people, and we reflect the will of the people. [Applause.] I undertake to say without fear of successful contradiction that when the American people make up their minds that they want a thing the Congress will grant it to them as soon as it finds out that the people desire it. I think the Congress of the United States is the greatest legislative body that ever was on the face of the earth, and I take pride in that fact. Yet every evil-disposed person

Digitized by Google

in the land can find some slander to utter about the American Congress. They revel in such foul work. It puzzled me a long time to find out why certain people, who could pass a great tariff bill overnight, or enact any other great measure while you wait, did not come down here and get into Congress and do those things. Finally one of them came into my room one day and was intimating that we were a lot of chuckleheads, and I said to him, "It has always surprised me that men like you, who know everything, who can do everything without any consideration, do not break into Congress and do it." He said, "Well, everybody does not want to come to Congress." I replied, "There are not a thousand men in America who would not come to one House or the other of Congress if they could get here." I said, "I will tell you why you don't come into Congress. You don't come down here because you can't get votes enough." [Laughter.]

Each one of these three departments ought to attend strictly to its own business. [Applause.] It would make a very interesting theme for a speech, if I had time to make one, to show how the balance of power has oscillated between the executive and the legislative. Sometimes the legislative has reduced the executive to a nullity, and sometimes the executive has come close to reducing the Congress to a nullity, but in the course of time these things even themselves up.

How many new propositions do you suppose our system of government rests on? On three. There are two of them in the Declaration of Independence and one in the Constitution. "All men are created equal." That is one of them. "All governments derive their just powers from the consent of the governed." That is two, and they form the basis of republican institutions. The third one is—hardly anybody ever reads it—the preamble to the Constitution, one of the finest sentences ever written, and one of the most comprehensive:

> We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

[Applause.]

Digitized by Google

There it all is. That is our chart and our creed. What courtship is to marriage, what the flower is to the fruit, what youth is to manhood, that is what the Declaration of Independence is to the Constitution of the United States. [Applause.] Since Washington on Yorktown's blood-stained heights made good Jefferson's declaration thrones have been crumbling, crowns have been tumbling, and dynasties have been fleeing for their lives. [Applause.]

When our fathers proclaimed this Republic at Philadelphia, on the 4th of July, 1776, there was only one other Republic on the face of the earth—Switzerland—and the fathers were not certain that this one would live until Christmas. It was an even break whether it would or not. Now, thanks be to Almighty God, there are 26 Republics in this world. [Applause.] In a very large sense we made them, every one. Mark Twain, the greatest Missourian that ever lived, and the greatest literary American that ever lived [applause], once said, "Blessed be the man who bloweth his own horn, lest it be not blown." [Laughter.]

That dictum of the great Missourian applies to nations as well as to individuals. We did it—not by the mailed hand, not by conquering armies. We did it by the wholesomeness of our example [applause], by teaching all creation that men can govern themselves. Why, before that it was supposed that power descended from on high and lighted on the heads of a few tall men, and then a little of it trickled down to the great body of the people below. We reverse all that. We make it begin at the bottom and, like the sap in the trees, go up, and it will go up forever. [Applause.]

Not a single one of these South American or Central American Republics could have existed six months if it had not been for us. Some of them could stagger along now, maybe, but I am not certain about that. We gave them a breathing spell. We gave them a chance to live. What did it? The Monroe doctrine. I am not going to expand on that. What is it? The simplest proposition ever put into print, that we would regard the establishment of its system of government by any European nation in this hemisphere as an unfriendly act. That was a very modest declaration, was it not? We were a modest people

Digitized by Google

then. [Laughter.] We have outgrown our modesty. But the Monroe doctrine has grown with our growth, and strengthened with our strength, until to-day it is this: That for political purposes we hereby take the entire Western Hemisphere under the shadow of our wing, and warn the nations of the earth not to touch the least of these Republics south of us, lest they die. That is the Monroe doctrine. [Applause.] We do not want their territory or their land. We propose that they shall be free, because we intend to remain free ourselves.

Col. Roosevelt in one of his books says that James Monroe was a mediocre President. Col. Roosevelt—I am very fond of him personally—will be lucky if he finally secures as high a place and as great a space in history as James Monroe does. [Applause.] I like Roosevelt's style sometimes. He went down to Chile and proclaimed the Monroe doctrine there much as I have proclaimed it here, and he came near getting mobbed. I suppose that is what he was after. [Laughter.]

Certain dilettante writers and speakers who say the Monroe doctrine is played out are mistaken. They do not know what they are talking about. We will strengthen it and preserve it. It is the political life preserver of the Western World. I like to say a good thing about a Republican when I can find one who deserves it. [Laughter.] I like to think about what one Secretary of State did under the Monroe doctrine. William H. Seward, a great man, Secretary of State under Lincoln and Johnson, came very near being President in 1860, but not half as near as I did in 1912. [Laughter and applause.] When we had our Civil War we did not have any time to attend to anybody else's business. We had hardly enough to attend to our own.

Louis Napoleon, the nephew of his uncle, the Emperor of the French, the greatest monarch then on earth, with his arms glittering from China to Peru, concluded it was a good time to smash the Monroe doctrine, sent over the Archduke Maximilian, set him up on a tinsel imperial throne, clapped a tinsel imperial crown on his head, and backed him up with 80,000 French bayonets under Marshal Bazaine. They were getting along tiptop until we made peace among ourselves. Immediately William H. Seward sent word to Louis Napoleon that it was high

Digitized by Google

time to get out of Mexico, and not stand on the order of his going—and he went like the devil was after him. [Applause and laughter.]

That is what a Republican Secretary of State did. Nobody ever tried to violate the Monroe doctrine after that until Great Britain undertook to steal a piece of Venezuela, and Grover Cleveland shook his fist in the face of the British lion and forbade him to put his paw on Venezuela, and he did not do it. [Applause and laughter.] That is what a Democratic President did. At that time we did not have a battleship to our name, but Johnnie Bull knew where we could get them if we wanted them; he knew we had the stuff to buy them with; he wisely let us alone; and from that day to this nobody has ever tried to infringe on the Monroe doctrine. Those are two of the proudest chapters in our history—one written by a Republican Secretary of State, the other by a Democratic President.

A great many people make a mistake as to where the line of demarcation is between a free country and a despotism. It is as plain as the nose on your face when once correctly stated. Most people think if there is a hereditary head to the government it is necessarily a despotism, and that if there is an elective head it is necessarily free. That has not a thing in the world to do with it—not a thing. A country can be just as free with a hereditary head as it can be with an elective president, provided it has the right sort of a constitution. I will tell you where the line of demarcation is. Any country that has a legislative body which controls the purse strings thereof is free, and if it has not it is not free. Out West where I live—I do not know whether it has percolated to the East or not—there is a saying "that money makes the mare go."

Money makes the Government go, and if we should refuse to appropriate the money to run this Government, it would stand stock-still at midnight on the 30th day of next June. Patriots would not run it, most of them, without they got their pay. It makes no difference what we call it. We call our legislative body the Congress. When people get mad at Congress, and can not find anything else mean to say, they say we talk too much. Well, I used to be rather inclined to think sometimes that the Senate does talk too much [laughter]; but I have somewhat

Digitized by Google

changed my notion about that. There ought to be some place in this Government where a thing can be really and thoroughly and minutely discussed. Now, if the Senate will let us go home right away, I will add some other compliment to that. [Laughter.] Those people who growl about Congress talking too much had better get out their dictionary and study it a little. What do you suppose the word "Parliament" means in the dictionary sense? That is the oldest legislative body in the world. It literally means a talking body. Bless your souls, that is what it was elected for, to talk; not to indulge in foolish talk, but to talk about the principles of government, the business of the country, and things like that. In France it is called the Assembly, in Germany the Reichstag, in Scandinavia the Storthing, and down in Bulgaria it is the Sobranje. There have been three half-baked Dumas up in St. Petersburg. Somebody will say they ran them out. Of course they did. That is the history of legislative progress the world over. How many Parliaments were run out of Westminster before they found one that could stay there in spite of the king? What was the American Congress during the Revolution? It was a legislative body on wheels, and it met where the British soldiers were not. That was the mode of its being. I am not a prophet or the son of a prophet, or the seventh son of a seventh son, but I will risk one prediction: Within less than 20 years they will have a Duma at St. Petersburg that will stay there until it gets ready to leave, or the people of that country will run the Czar and the grand dukes out of Russia. That has been the history of such transactions since the world began.

What a fine thing it is to be an American—how glorious, how inspiring.

Those of you who read the Bible—and I hope you all do—remember that after Paul had been bound the chief captain ordered the centurion to take away him and scourge him. Paul took a flank move on him. Of course I am giving a free translation. I have always believed that Paul would have made one of the most skillful politicians and lawyers that ever lived. Paul said to the centurion who was about to scourge him: "Is it lawful to scourge a Roman citizen?" That question scared the centurion half to death. He rushed off to the chief

Digitized by Google

captain as hard as he could clatter, and said: "You had better be careful; that man is a Roman citizen," which startled the chief captain greatly—startled him so that Paul was not scourged.

When that transaction took place Rome was mistress of the civilized world.

The power and dignity inherent in Roman citizenship were demonstrated by the terror which seized those who intended to scourge him, when he invoked that citizenship.

It was a great boon to be a Roman citizen when Rome was in the plenitude of imperial power; but it is a far greater boon to be a plain American citizen, heir of all the ages. [Applause.]

Ladies and gentlemen, everybody has something to do in this world, if he could find out what it is. Our mission in the world has been to carry government of the people, by the people, and for the people to the ends of the earth as missionaries therefor, and we have worked at it faithfully. We divide into parties on domestic issues. It is a very good thing that we do, so that one may watch the other; but when it comes to questions that affect the honor, the glory, the prosperity of the American Republic, we are one. [Applause.] I am happy to give it as my opinion that the people in this country who are not thoroughly patriotic, who would not be absolutely true if the supreme test should come, do not constitute one-tenth of 1 per cent of the 100,000,000 people betwixt the two seas. [Applause.] We are supposed to have different ways of explaining and expressing our patriotism. We here and now finish the Capitol Building. May it stand forever as the emblem and symbol of a free people, and may our missionary work never end until all people everywhere are free. [Applause.]

Mr. SLAYDEN. Dr. Prettyman, Chaplain of the Senate, will pronounce the benediction.

Digitized by Google

BENEDICTION BY REV. FORREST J. PRETTYMAN, D. D.

CHAPLAIN OF THE SENATE

NOW may the peace of God, which passeth all understanding, keep your hearts and minds in the knowledge and love of God and of His Son, Jesus Christ our Lord; and the blessing of God Almighty, Father, Son, and Holy Spirit, be with us all, now and forever. Amen.

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

DESCRIPTION OF THE STATUARY OF THE PEDIMENT

AN allegorical group of two figures, "Peace protecting Genius," fills the center of the pediment. "Peace," an armed "Peace," stands erect, draped in a mantle which almost completely hides her breastplate and coat of mail; her left arm rests on her buckler, which is supported by the altar at her side; in the background the "olive tree of peace."

Her right arm is extended in a gesture of protection over the youthful and winged figure of "Genius," who nestles confidingly at her feet and holds in his right hand the torch of "Immortality."

The composition is completed by two other groups, symbolizing and typifying the two great fundamental living powers of labor, the two great sources of wealth—Agriculture and Industry.

The most modest of our farmers and laborers can find in these groups the symbol of his own self and of his endeavors. He may even find there his own resemblance, and he will see that his helpmate, his children, his cattle, and the harvest from his fields have been exalted and carved in marble forms.

The printer, the ironworker, the founder, can do the same, and enjoy the same profound satisfaction. The toiling factory girl, weaver or spinner of textiles, will observe that she has not been forgotten, and those who are devoted to the sea can discover a group which will remind them of the joys of their vocation.

A wave terminates the sculpture at either end of the pediment, and is meant to indicate that all this humanity, all its power and energy, are comprised between the shores of the two oceans—the Atlantic and Pacific.

[Extract from Mr. Bartlett's speech.]

Digitized by Google

Digitized by Google

64TH CONGRESS, 1st Session | HOUSE OF REPRESENTATIVES | DOCUMENT No. 1355

FEDERAL TRADE COMMISSION

A SYSTEM OF ACCOUNTS

FOR

RETAIL MERCHANTS

JULY 15, 1916

WASHINGTON
GOVERNMENT PRINTING OFFICE
1916

Digitized by Google

[H. Res. 361.]

IN THE HOUSE OF REPRESENTATIVES U. S.,
September 2, 1916.

Resolved, That there shall be printed forty-three thousand copies of A System of Accounts for Retail Merchants as authorized by the Federal Trade Commission, the same to be a House document and distributed through the folding room.

Attest:

SOUTH TRIMBLE, *Clerk.*

Digitized by Google

EDWARD N. HURLEY,
Chairman.
WILLIAM J. HARRIS,
Vice Chairman.
JOSEPH E. DAVIES.
WILL H. PARRY.
GEORGE RUBLEE.

LEONIDAS L. BRACKEN,
Secretary.

FEDERAL TRADE COMMISSION

WASHINGTON

July 15, 1916.

To the retail merchant:

The Federal Trade Commission has found that the majority of retail merchants do not know accurately the cost of conducting their business and for this reason they are unable to price their goods intelligently. There must be decided improvement in this direction before competition can be placed upon a sound basis and before we can expect a decrease in the heavy business death rate among retail merchants.

With the object of aiding retail merchants to improve their accounting methods we have outlined a simple system of accounts which provides for supplying the information necessary to properly direct a retail business. I commend the pamphlet to your attention and feel satisfied that if you will read it carefully you will find many helpful suggestions.

The pamphlet has been prepared under my direction by Mr. Robert E. Belt, Chief Accountant, and Mr. R. W. Gardiner, Assistant.

Trusting we may have your hearty cooperation, I am,

Very respectfully yours,

Edward N. Hurley

Chairman.

3

Digitized by Google

CONTENTS.

Pa

Introduction ..... [illegible]

Books of account and statements ..... [illegible]

- Journal ..... [illegible]
- General cash book ..... [illegible]
- Invoice book ..... [illegible]
- Sales and credit tickets ..... [illegible]
- Ledger ..... [illegible]
- Monthly summary of business ..... [illegible]
- Profit and loss statement ..... [illegible]
- Balance sheet ..... [illegible]

Accounts and their explanations ..... [illegible]

- Real accounts ..... [illegible]
- Nominal accounts ..... [illegible]

Forms of statements ..... [illegible]

- Monthly summary of business ..... [illegible]
- Profit and loss statement ..... [illegible]
- Balance sheet ..... [illegible]

Digitized by Google

A SYSTEM OF ACCOUNTS FOR RETAIL MERCHANTS.

INTRODUCTION.

There is a tendency among retail merchants to conduct their businesses without an adequate system for determining their costs. This condition carries with it various undesirable results. In the first place, the merchant is unable to price his goods intelligently and conduct his business upon sound business principles. In the second place, he is unable, when seeking credit, to produce a correct statement of his financial condition which would enable a banker to extend to him the full credit to which he is entitled. He thereby limits the possible expansion of his business.

There are several forces at work which compel the retail merchant, if successful, to keep books, and the better and more comprehensive his methods the greater chance he has of being successful.

The first of these forces is, of course, competition, which at times compels him to make close prices. The second, and one of vital importance, is the attitude of the banks regarding the granting of credit. Banks are paying more and more attention to the accounting methods used by the merchant to whom they extend credit. They are willing to give larger loans and very often more liberal terms to the merchant who keeps his books in a way that enables him to show the bank at any time just how his business is progressing. A merchant who can show progress will undoubtedly receive more consideration with the same amount of assets than one who can not. Even if he is successful but can not show it because of his bookkeeping methods the bank will not consider him a desirable credit risk.

Another very important point to which the bank gives consideration is whether the prospective borrower is making proper provisions for depreciation on stock, buildings, and fixtures, and his books should be so arranged as to show the amount of these provisions. No merchant can be said to be managing his business properly unless adequate provision is made for depreciation.

The system of accounts outlined in this bulletin has been devised to meet the requirements of retail merchants. The aim has been to devise the least involved system which will give the information essential to successful management. The best system of accounts

Digitized by Google

for any business is one which furnishes the information required with the least effort.

The value derived from an adequate system of accounts is obvious. The greatest value is that of making comparisons and analyzing differences. But before any fruitful comparison can be made between figures of different periods or between figures of different stores, it is absolutely necessary that the systems be uniform. With a uniform system of accounts in use, differences in items reflect differences in conditions, while without a uniform classification, differences in items may reflect only differences in accounting classification.

In order to maintain the simplicity of the system, no departmentalization of the accounts is provided for, but any concern operating distinct departments can readily adjust the system to show the results obtained in each department.

A merchant in order to price his goods properly must know his overhead expenses. With a proper arrangement of his accounts the percentage of overhead may be readily obtained. Goods not priced high enough to cover this percentage are actually sold at a loss. The most convenient way of arriving at the proper percentage to add to the first cost of goods for overhead is to use the average ratio of operating expenses to net sales covering a past period. For instance, if a merchant's annual sales for the last fiscal year were $25,000 and the expense of conducting his business was $5,000, his overhead was 20 per cent. By adding the desired percentage of profit on sales to this overhead percentage, and deducting from 100 gives the percentage of invoice cost to selling price. The invoice cost of an article divided by this percentage gives the selling price.

The rapidity of the turnover is a very important element in conducting a retail business. It is obvious that an increase in turnover goes hand in hand with an increase in profit. A slow turnover may be due to poorly selected stock, to overstocking, or to an inefficient selling organization. No effort should be spared to increase the turnover to its maximum. To ascertain the turnover divide the cost of goods sold during the year by the cost of the average stock carried.

BOOKS OF ACCOUNT AND STATEMENTS.

To operate the system of accounts here outlined requires but four books of account, namely, journal, general cash book, invoice book and ledger. Sales tickets and credit tickets are used for recording sales and sales returns.

From these books certain statements, particularly a monthly summary of business, a profit and loss statement, and a balance sheet should be prepared at definite periods in order to present the results in comprehensive form.

Digitized by Google

JOURNAL.

The ordinary two-column journal can be used. The opening entry is an inventory of the assets and liabilities.

The totals of the charge sales as shown by the charge tickets should be entered in the Journal, debiting Accounts Receivable, and crediting Sales. The totals of the credit tickets are also entered in the Journal, debiting Sales with returns and Sales Allowances with price concessions and crediting Accounts Receivable.

Transactions which do not go through either the Cash Book or Invoice Book should also be journalized. These entries comprise such items as notes receivable and payable, allowances or corrections of purchase invoices after entry in the Invoice Book, the various adjusting entries at the end of the month, and the closing entries at the end of the fiscal period.

Journal entries affecting trade customers' and trade creditors' accounts will also have to be posted, respectively, to Accounts Receivable account and Accounts Payable account.

GENERAL CASH BOOK.

This book is for recording all cash transactions. The left hand, or debit, side is for recording receipts, and columns should be headed as follows, in the order named: Date, Name of Account, Description, Ledger Folio or LF, Collections on Accounts Receivable, Cash Sales, and General Accounts. The right hand, or credit, side is for recording payments, and these columns should be headed: Date, Name of Account, Description, Check No., Ledger Folio or LF, Discount on Purchases, Payments on Accounts Payable, and General Accounts.

The total cash receipts of each day should be deposited daily in bank and all payments should be made by check. The total of cash sales for the month should be checked against the total of cash sales tickets, and is then posted to the credit of "Sales," that of the "Collections on Accounts Receivable" to the credit of "Accounts Receivable account," and that of "Payments on Accounts Payable" to the debit of "Accounts Payable account." The total of the Discount on Purchases column is also posted to the debit of Accounts Payable.

All payments for expense items other than petty cash should be entered on the cash book as made and posted therefrom to the proper accounts. At the end of the month all expense bills for the month should be paid, so as to insure the expense being charged in the proper month.

Petty cash disbursements, such as car tickets, telegrams, and such minor items for which it is not expedient to draw checks, should be handled as follows:

A check should be drawn for an amount sufficient to cover petty disbursements for a definite period. At the end of the period the

Digitized by Google

cashier should prepare his petty cash statement, which should be supported by vouchers, and a check drawn for the exact amount of the statement, thereby restoring the petty cash fund to the original amount. This check should be entered in the cash book in the regular way, charging the various expense accounts as shown by the petty cash statement.

The balance of the general cash book at all times should check with the balance as shown by the check book plus the amount advanced for petty cash.

In the check book keep checks and deposits footed separately. When the bank book is balanced, check up the bank list, then re-arrange the checks in numerical order, and check with the stubs. If any checks are outstanding, note them on the stub and deduct from total of checks drawn; the check book balance will then agree with the bank book balance.

INVOICE BOOK.

This book contains the record of the invoices or purchases of merchandise only and should carry the following headings: Date of Entry, Date of Invoice, Number of Invoice, From Whom Purchased, Address, Ledger Folio or LF, and Amount of Invoice.

The postings are made direct from this book into the Purchase Ledger and the total at the end of the month carried to the debit of Merchandise Purchases and to the credit of Accounts Payable.

Where the business is departmentalized a more elaborate form of Invoice Book should be used, giving departmental subdivisions of purchases.

SALES AND CREDIT TICKETS.

The use of sales and credit tickets for recording sales and sales returns has become almost universal.

A sales ticket must be made out for every sale and the daily total of these gives the sales for the day. The cash sales tickets are checked against the cash received and the charge tickets go to the bookkeeper. Credit tickets must be made out for credits to customers and these likewise go to the bookkeeper.

LEDGER.

The accounts in the ledger should be arranged in the following order:

1. General accounts,
2. Accounts with trade creditors,
3. Accounts with trade debtors,

allotting to each class such space in the ledger as may be necessary.

The general accounts should be arranged in logical order. (See arrangement of accounts.)

Accounts with trade creditors and with trade debtors should be arranged alphabetically, using preferably a loose leaf ledger.

Digitized by Google

Where the volume of business permits, it is advisable to use three ledgers, a general ledger, a purchase ledger, and a sales ledger, keeping controlling accounts of the purchase ledger and the sales ledger in the general ledger.

Where only one ledger is used it should be divided into three sections corresponding with the above.

The balances of the purchase ledger and of the sales ledger, or of these sections of the ledger if only one book is used, must agree with the balances of the Accounts Payable account and of the Accounts Receivable account. The advantage of these controlling accounts is that the aggregate of accounts payable and of accounts receivable can be had at any time without listing the balances of the individual accounts.

Customers are charged with goods purchased direct from the charge tickets. These tickets are first listed, then turned over to the bookkeeper, who posts them to the debit of the proper accounts, listing the amounts as he posts, then comparing his total with that of the first list, which must agree. Credit entries for allowances, reductions, cash discounts, or returned goods, are made from credit tickets in exactly the same manner.

Posting to the ledger therefore must come from one of four sources—the cash book, the journal, the invoice book, or the sales and credit tickets.

MONTHLY SUMMARY OF BUSINESS.

This record, Form A, will be found very useful for monthly and yearly comparisons of expenses and ratios. It is arranged with columns for sales, both cash and credit and total, and for the various expenses of the business. The figures on this statement are taken from the ledger.

Each month the figures for that month should be added to the previous total so that the record will give the totals from the first of the year to date as well as the monthly totals.

PROFIT AND LOSS STATEMENT.

The amounts for making up this statement, Form B, can be had from the ledger and from the trial balance. It is made up at such times as the inventory is taken. A physical inventory should be taken at least once a year. The basis should be cost with conservative deduction for obsolete and shelf-worn goods. The inventory at the beginning of the period is, of course, that brought down from the end of the last period.

When monthly profit and loss statements are desired, and where the percentage of overhead and profit is known, the approximate cost of the goods sold can be arrived at in the following manner: Deduct the percentage of overhead and profit from 100 and multiply by the

Digitized by Google

amount of the net sales; the result will be the cost of the goods sold, which, when deducted from net sales will give the approximate gross profit on sales.

If desired, the difference between the values placed on the inventory and the actual cost of same can be shown on the statement. Show the actual cost of inventory and then the deduction under the title "Stock Depreciation," carrying the net forward as illustrated. While this is not necessary it is valuable information and this method is recommended.

The total net profit as shown by the statement is that carried to the credit of the proprietor's account in the ledger.

BALANCE SHEET.

Ledger accounts should be kept by the double entry principle with all real (asset and liability) accounts, as well as with all nominal (profit and loss) accounts. A Balance Sheet of the same date as the Profit and Loss Statement should be made up from the balances of all real accounts. The ordinary asset and liability accounts and a logical classification thereof are shown by Form C.

ACCOUNTS AND THEIR EXPLANATIONS.

REAL ACCOUNTS.

1. CASH ON HAND AND IN BANK.

Charge this account with the total receipts of the month and credit it with the total disbursements as shown by the cash book. The balance should agree with the cash book balance.

2. NOTES RECEIVABLE—TRADE CUSTOMERS.

Charge this account with all notes, time drafts, and acceptances held against others, and credit it with the same when paid or otherwise disposed of. The balance will show the uncollected notes receivable.

3. ACCOUNTS RECEIVABLE—TRADE CUSTOMERS.

Charge this account with the total of the charge tickets of the month, and credit it with the cash payments by customers (taken from the cash book at end of month) and with notes receivable, discounts, returns, and allowances (from the journal and credit slips). Balance of this account must agree with the sum of the balances of trade customers' accounts.

4. RESERVE FOR BAD DEBTS.

Credit this account with an estimated amount, based on charge sales, sufficient to provide for losses, and charge the account with the balances of personal accounts when hope of collection is abandoned.

Digitized by Google

5. PREPAID INSURANCE.

Charge this account with all insurance, fire, burglary, fidelity, plate glass, liability, etc. At the end of each month charge the proper accounts (Nos. 35 and 44) with their proportion, the balance being an asset as "Prepaid Insurance."

6. ACCRUED INTEREST RECEIVABLE.

Charge this account at the end of the period with all accrued interest (not yet paid) on notes, etc., due from others, crediting "Interest Account." When the interest is received it is credited to "Accrued Interest Receivable."

7. STORE PROPERTY.

Charge this account with the purchase price of the store property. Do not charge repairs to this account, unless they are in the nature of permanent improvements. A fair amount should be periodically credited to "Reserve for Depreciation."

8. WAREHOUSE PROPERTY.

Charge this account with the purchase price of the warehouse property. Do not charge repairs to this account, unless they are in the nature of permanent improvements. A fair amount should be periodically credited to "Reserve for Depreciation."

9. RESERVE FOR DEPRECIATION ON STORE AND WAREHOUSE.

Credit this account with the amount of depreciation on store and warehouse, and charge same to "Rent Income" (No. 44).

10. STORE EQUIPMENT.

Charge this account with the value of all equipment such as counters, shelving, scales, measures, etc., used in the conduct of the business. A fair amount should be written off periodically for depreciation.

11. OFFICE EQUIPMENT.

Charge this account with office furniture, desks, safe, and other office appliances (not included in 34). A fair amount should be written off periodically for depreciation.

12. DELIVERY EQUIPMENT.

Charge this account with the cost of automobiles, wagons, horses, and harness. This account must not be charged with repairs to automobiles and wagons, horseshoeing or anything of this nature. A fair amount should be written off periodically for depreciation.

Digitized by Google

13. NOTES PAYABLE—TRADE CREDITORS.

Credit this account with all notes given to trade creditors or time drafts accepted in their favor and charge the account as the same are paid. Balance of this account shows the amount of notes payable outstanding.

14. NOTES PAYABLE—BANKS.

Credit this account with all notes given to banks and charge the account as the same are paid.

15. ACCOUNTS PAYABLE—TRADE CREDITORS.

Credit this account with merchandise bought on account, the amount being carried to this account monthly from the total of the Invoice Book and charge it with all merchandise returned and reductions (Journal), and payments made and discounts taken (Cash Book). Balance of this account must agree with the sum of the balances of trade creditors' accounts.

16. ACCOUNTS PAYABLE—OTHERS.

Credit this account with amounts owing to creditors other than trade creditors.

17. ACCRUED INTEREST PAYABLE.

Credit this account at the end of the period with interest accrued (not yet paid) on notes, etc., due others, charging "Interest Account." When the interest is paid it is charged to "Accrued Interest Payable."

18. ACCRUED SALARIES AND WAGES.

Credit this account with salaries and wages earned and unpaid at the end of each month and charge the proper expense accounts. When payment is made this account is charged and closed out and the balance of the pay roll charged in the regular way.

19. ACCRUED TAXES.

Credit this account with the taxes due up to the end of each month, charging the proportionate amounts to the accounts in which they belong. When the taxes are paid this account will be charged.

20. PROPRIETOR'S DRAWING ACCOUNT.

Charge this account with all withdrawals of cash (not salary). At the end of the period the amount of this account is closed into proprietor's capital account.

21. MORTGAGES PAYABLE.

When a mortgage is placed upon real estate (or assumed at the time of purchase) this account is credited. When paid it is charged.

Digitized by Google

22. PROPRIETOR'S CAPITAL ACCOUNT.

This account represents the proprietor's net capital. At the end of the period the net profit is credited to this account. The amount of his drawing account is then closed into this account. The balance of the account is his net capital at time of closing.

In the event of a partnership each partner's net capital would be shown in his respective account and the net profit (or loss) carried to the credit (or debit) of their accounts in agreed proportions. In the event of a corporation this account represents the amount of the issued capital stock and the profit or loss is carried to "Surplus" account.

NOMINAL ACCOUNTS.

23. SALES.

Credit this account with the total sales of all merchandise, the charged sales being taken from the total of the charge tickets for the month and the cash sales from the "Cash Sales" column in the Cash Book. Returns should be charged at selling price for all merchandise returned by customers whether for cash or credit. The difference in this account will be the net sales which is transferred to the credit of "Trading Account."

24. SALES ALLOWANCES.

Charge this account with any allowance given a customer not contemplated when sale was made. Allowances should not be charged to "Sales," but closed at the end of the period into "Trading Account."

25. MERCHANDISE PURCHASES.

Charge this account with the face of the invoices of merchandise before deducting cash discounts. The account is also charged with freight, expressage, and drayage on merchandise purchased. Credit the account with any returns of merchandise made to manufacturer or wholesaler and with any allowances for defects in goods received from manufacturer or wholesaler. The balance of the account is transferred to the debit of Trading Account.

26. SALARIES AND WAGES OF BUYING FORCE.

Charge this account with part of salary of proprietor, active partner, and manager or buyer and the wages of office force proportionate to the time given to buying. If, for example, the proprietor estimates altogether that he gave one-fourth of his time to buying and three-fourths to selling, then one-fourth should be charged to this account and three-fourths to "Salaries and Wages of Sales Force." Similarly, the estimated number of hours a week given by any member or members of the office force to buying should be charged to this account.

Digitized by Google

27. MISCELLANEOUS BUYING EXPENSE.

Charge this account with the traveling expense of buying trips and other expense incurred in buying (not covered by account 26).

28. SALARIES AND WAGES OF SALES FORCE.

Charge this account with wages and other remunerations of sales persons, order takers, and all others engaged in selling, both as regular and extra force; also with the part of the salary of the proprietor, active partners, or manager, and of the wages of the office force proportionate to the time given to selling.

29. ADVERTISING.

Charge this account with all expenditures for advertising purposes, such as space in newspapers and periodicals, space on street cars and billboards, circulars and postage thereon, advertising novelties, trading stamps, charitable donations, window display, electric signs, etc.

30. MISCELLANEOUS SELLING EXPENSE.

Charge this account with the cost of wrapping paper, cartons, twine, salesmen's order books, and all other items of direct selling expense not covered by "Salaries and Wages of Sales Force" and "Advertising."

31. SALARIES AND WAGES OF DELIVERY FORCE.

Charge this account with regular and part time of employees engaged in delivering and with the part of the wages of other employees, whether on sales force or office force, proportionate to the time given to delivery work.

32. MISCELLANEOUS DELIVERY EXPENSE.

Charge this account with all stable and garage expense, including all repairs, taxes, licenses, upkeep, and with the depreciation charged on the delivery equipment; also charge this account with payments for express, parcel post, and contract delivery service.

33. MANAGEMENT AND OFFICE SALARIES.

Charge this account with the salaries of the manager, bookkeepers, office clerks, stenographers, and of other general office help not otherwise charged.

34. OFFICE SUPPLIES AND EXPENSE.

Charge this account with purchases of stationery of all sorts, account books and forms (except selling and stock forms), typewriter supplies, printing and postage (except advertising), and depreciation on office equipment.

Digitized by Google

35. INSURANCE ON STOCK AND STORE EQUIPMENT.

Charge this account with all expense of insurance, fire, burglary, fidelity, plate glass, employers' liability, and other. This account is not to be charged with insurance on store or business property.

36. TAXES ON STOCK AND STORE EQUIPMENT.

Charge this account with taxes on all stock and store equipment. As taxes are not payable in advance, the amount charged this account must be credited to "Accrued Taxes."

37. LOSSES FROM BAD DEBTS.

Charge this account with the amount that has been reserved for bad debts (4).

38. MISCELLANEOUS GENERAL EXPENSE.

Charge this account with heat, light, repairs, depreciation on store equipment, and with any items that can not be charged directly to any of the above particular accounts.

39. RENT.

Charge this account with all rents paid. If the store is owned, rent should be charged equivalent to the amount it could be rented for to others, crediting "Income from Other Sources;" in the latter event, "Income from Other Sources" should be charged with the taxes, insurance, repairs, and depreciation on the store.

40. TRADING ACCOUNT.

This account shows the inventory of merchandise at opening and is not touched again until the books are closed. It is then charged with Merchandise Purchases (25), and Sales Allowances (24), and credited with Sales (23). The inventory at closing is then credited and the balance will show the gross profit on trading. The gross profit is transferred to the credit of the "Profit and Loss Account." The inventory is then brought down as a new balance.

41. PROFIT AND LOSS ACCOUNT (FROM TRADING OPERATIONS).

Charge this account with the balances of all the expense accounts, and credit it with the gross profit from trading; the difference will be the net profit or loss, which is closed into the proprietor's account; if a partnership, to the partners' accounts, according to their several interests, and, if a corporation, to the surplus account.

Digitized by Google

42. INTEREST.

Charge this account with all interest paid and credit it with all interest received and close into "Profit and Loss Account."

43. CASH DISCOUNT ON MERCHANDISE PURCHASES.

Credit this account with all cash discount taken on purchases of merchandise. The account is closed into Profit and Loss.

A record of such discounts available but not taken—cash discounts lost—will be found of use.

44. RENT INCOME (NET).

If the store is owned, the rent which has been charged to account 39 should be credited to this account and it should be charged with insurance, taxes, depreciation, and repairs on store. The account is closed into "Profit and Loss."

45. MISCELLANEOUS OUTSIDE INCOME.

Credit this account with incidental receipts such as toll from telephone pay stations in store, etc.

(We wish to acknowledge with appreciation the valuable assistance given us by the Bureau of Business Research of Harvard University in connection with the classification and definition of expense accounts.

FORM OF STATEMENTS.

Forms of monthly summary of business, profit and loss statement and balance sheet follow.

Digitized by Google

MONTHLY SUMMARY OF BUSINESS, 1910.

	Net Sales.			Buying expense.		Selling expense.			Delivery expense.		General expense.							Total Expense.	Per cent of Net Sales.
	Credit.	Cash.	Total.	Salaries and Wages of Buying Force.	Miscellaneous Buying Expense.	Salaries and Wages of Sales Force.	Advertising.	Miscellaneous Selling Expense.	Salaries and Wages of Delivery Force.	Miscellaneous Delivery Expense.	Management and Office Salaries.	Office Supplies and Expense.	Insurance on Stock and Store Equipment.	Taxes on Stock and Store Equipment.	Losses from Bad Debts.	Miscellaneous General Expense.	Rent.		
Jan.	$3,356.31	$1,301.65	$4,657.96	$25.00	$14.00	$177.33	$30.00	$3.75	$102.67	$8.08	$269.00	$22.03	$1.61	$2.50	$33.56	$26.79	$71.25	$787.57	16.9
Feb.																			
Mar.																			
Apr.																			
May.																			
June.																			
July.																			
Aug.																			
Sept.																			
Oct.																			
Nov.																			
Dec.																			
Total,																			
Per cent of Net Sales.																			

FORM A.

Digitized by Google

PROFIT AND LOSS STATEMENT, JAN. 31, 1916.

								Per c
23	Sales					$4,659	96	
24	Less Sales Allowances					2	60	
	Net sales					4,657	96	
	Inventory of merchandise at beginning			$3,451	09			
25	Merchandise Purchases (cost delivered at store)			2,759	67			
				6,210	76			
	Deduct inventory of merchandise at closing	$3,062	17					
	Less Stock Depreciation	153	11	2,909	06			
	Net cost of goods sold					3,301	70	
	Gross profit from trading					1,356	26	
	BUYING EXPENSE.							
26	Salaries and Wages of Buying Force	25	00					
27	Miscellaneous Buying Expense	14	00					
	Total buying expense			39	00			0.8
	SELLING EXPENSE.							
28	Salaries and Wages of Sales Force	177	33					
29	Advertising	30	00					
30	Miscellaneous Selling Expense	3	75					
	Total selling expense			211	08			4.5
	DELIVERY EXPENSE.							
31	Salaries and Wages of Delivery Force	102	67					
32	Miscellaneous Delivery Expense	8	08					
	Total delivery expense			110	75			2.4
	GENERAL EXPENSE.							
33	Management and Office Salaries	269	00					
34	Office Supplies and Expense	22	03					
35	Insurance on Stock and Store Equipment	1	61					
36	Taxes on Stock and Store Equipment	2	50					
37	Losses from Bad Debts	33	56					
38	Miscellaneous General Expense	26	79					
39	Rent	71	25					
	Total general expense			426	74	787	57	9.2
	Net profit from trading					568	69	
	INCOME FROM OTHER SOURCES.							
42	Interest	17	09					
43	Cash Discounts on Merchandise Purchases	6	55					
44	Rent income (net)	16	52					
45	Miscellaneous Outside Income	2	00			7	98	
	Total net profit					576	67	

FORM B.

Digitized by Google

BALANCE SHEET, JAN. 31, 1916.

	ASSETS.						
	CURRENT ASSETS.						
	Cash on hand and in bank			$1,611	67		
	Notes Receivable—Trade Customers			191	84		
	Accounts Receivable—Trade Customers	$3,518	81				
	Less Reserve for Bad Debts	33	56				
				3,485	25		
	Inventory of merchandise (at cost)			2,909	06		
	Prepaid Insurance			100	14		
	Accrued Interest Receivable				71		
	Total current assets					$8,298	67
	FIXED ASSETS.						
7	Store Property	4,500	00				
8	Warehouse Property	1,975	00				
		6,475	00				
9	Less Reserve for Depreciation on Store and Warehouse	26	98				
				6,448	02		
10	Store Equipment			272	71		
11	Office Equipment			74	37		
12	Delivery Equipment			396	67		
	Total fixed assets					7,191	77
	Total assets					15,490	44
	LIABILITIES AND CAPITAL.						
	CURRENT LIABILITIES.						
13	Notes Payable—Trade Creditors	1,210	50				
14	Notes Payable—Banks	900	00				
15	Accounts Payable—Trade Creditors	3,685	72				
16	Accounts Payable—Others	485	00				
17	Accrued Interest Payable	19	23				
18	Accrued Salaries and Wages	82	00				
19	Accrued Taxes	7	75				
	Total current liabilities			6,390	20		
21	Mortgages Payable (warehouse)			1,250	00		
	Total liabilities			7,640	20		
22	Proprietor's Capital Account			7,850	24		
	Total liabilities and capital					15,490	44

FORM C.

Digitized by Google

Digitized by Google

64TH CONGRESS, 1st Session } HOUSE OF REPRESENTATIVES { DOCUMENT No. 1356

FEDERAL TRADE COMMISSION

FUNDAMENTALS OF A COST SYSTEM FOR MANUFACTURERS

JULY 1, 1916

WASHINGTON
GOVERNMENT PRINTING OFFICE
1916

Digitized by Google

[H. Res. 362.]

IN THE HOUSE OF REPRESENTATIVES U. S.,
September 2, 1916.

Resolved, That there shall be printed thirty-four thousand copies of the Fundamentals of a Cost System for Manufacturers as authorized by the Federal Trade Commission, the same to be a House document and distributed through the folding room.

Attest: SOUTH TRIMBLE, *Clerk.*

Digitized by Google

EDWARD N. HURLEY,
Chairman.
WILLIAM J. HARRIS,
Vice Chairman.
JOSEPH E. DAVIES.
WILL H. PARRY.
GEORGE RUBLEE.

LEONIDAS L. BRACKEN,
Secretary.

FEDERAL TRADE COMMISSION

WASHINGTON

July 1, 1916.

To the American Manufacturer:

The Federal Trade Commission has found that an amazing number of manufacturers, particularly the smaller ones, have no adequate system for determining their costs and price their goods arbitrarily. It is evident that there must be improvement in this direction before competition can be placed upon a sound economic basis.

With the object of aiding in the improvement of business generally we have endeavored in this pamphlet to show briefly the importance of accurate manufacturing costs and the fundamental principles underlying them. I commend it to your attention and feel satisfied that if you will read it carefully you will find many helpful suggestions.

The pamphlet has been prepared under my direction by Mr. Robert E. Belt, Chief Accountant, and Mr. R. W. Gardiner, Assistant.

Trusting we may have your hearty cooperation, I am,

Very respectfully yours,

Edward N. Hurley

Chairman.

Digitized by Google

CONTENTS.

Page

Purpose of this pamphlet 5
Objections to installing cost systems 5
Necessity for ascertaining true costs 6
Exchange of statistical information beneficial 7
Many businesses not profitable 7
What is cost 7
System and its development 7
The job cost system 8
  Material 9
  Labor 9
  Overhead expense 10
Departmentalization necessary for proper distribution of factory overhead 15
Fixed factory charges 11
Building expense 11
Power 12
Insurance and taxes 12
Depreciation—the necessity for including in cost 12
Methods of determining depreciation 13
Variable factory charges 13
Interest 14
Ascertainment of normal cost 14
Distribution of overhead to job costs 15
The productive-hour method 16
Total factory cost 16
Shipping, selling, and general expenses 17
Controlling accounts 18
The continuous production system 19
Financial and operating statements 21
Ledger accounts and statements 21
  Ledger accounts 21
  Trial balance 22
  Profit and loss statement 25
  Statement of factory operations 25
  Summary of factory overhead 29
  Balance sheet 29
Uses and advantages of a cost system 30
Better direction of sales force 30
Elimination of waste 30
Cost system an investment, not an expense 31

Digitized by Google

FUNDAMENTALS OF A COST SYSTEM FOR MANUFACTURERS.

PURPOSE OF THIS PAMPHLET.

It is a fact too little realized that an accurate determination of costs is fundamentally related to manufacturing efficiency. More and more concerns are joining the ranks of those who realize the necessity of knowing accurately their costs of manufacturing and selling. Every business man who joins in this work can feel that he is doing his part toward the improvement of business conditions generally and his own business conditions in particular. This bulletin has been prepared with a view to aiding the campaign of education by explaining what a cost system is, how it operates, the results obtained, and the benefits to be derived from its operation.

OBJECTIONS TO INSTALLING COST SYSTEMS.

There are a number of objections in the minds of business men who have not installed cost systems to taking the matter up. One of these is the feeling that exists in the minds of so many that their business is unique and different from any other and that no system could be devised which would give them true costs. It is unquestionably true that some lines of manufacture lend themselves more readily to the installation of a cost system than others, but it is also true that no line of manufacture is so complicated that a system can not be devised which will give reasonably accurate results.

The most common objection is that of the cost of installation and the expense of operation. Many manufacturers are of the opinion that a cost system means an interminable amount of detail and red tape and the assistance of a number of extra clerks. It is true, in many cases, that some extra labor may be required, but not to the extent that the manufacturer fears. There is in nearly every office that is not systematized sufficient unnecessary work done to cut the extra work down to a minimum, and, in fact, in some cases, where an office has been systematized, it has not been necessary to employ any extra help at all. If the manufacturer will look upon a cost system as an investment which he expects to produce for him a fair return in the same manner that an investment in improved machinery would, the objection as to the expense is not a valid one. A number of business men think that money spent for stationery is wasted and that a cheap ready-made book will answer as well as one specially designed for his business. If a $10 book which lasts

H D—64-1—vol 145——47

Digitized by Google

a year will save half an hour a day for a $12-a-week clerk as compared with the use of a ready-made book which can be bought for $1, the additional investment of $9 has brought in a revenue or effected a saving of $39 for the year. This holds true of nearly all specially designed forms as well.

Other business men are of the opinion that they do not need a cost system because they know what their goods cost. They may, and a number of them do have an approximate idea of what their goods cost, but in a large number of instances this supposed knowledge is based on foremen's guesses in advance as to the time necessary to do the work or as to the time spent on the work after it is done. Guesswork is unsafe and poor business practice.

NECESSITY FOR ASCERTAINING TRUE COSTS.

Formerly the necessity for the determination of true manufacturing costs was not as imperative as it is to-day. Margins between cost and selling price in most lines were larger. Costs could be ignored except in a general way and a good return still be made on the investment; but to-day margins of profit in most lines of trade are very much narrower than formerly, and the necessity for the most efficient management and closest analysis is felt as never before.

It is necessary to-day for the business man's success that he know on what articles he is making a profit and on what he is incurring a loss. Competitive conditions are seriously disturbed where losses on one or more articles are recovered by profits on other articles. It is obvious that a manufacturer should not only know the cost of each article he manufactures but that he should see that every article manufactured bears its proper share of factory and general overhead.

Most manufacturing plants have grown to a size which renders personal supervision impossible. The only reliable way, therefore, by which an executive can judge of the efficiency of an organization is through a system of periodical statistical reports. These reports can only be accurately obtained when a good cost system is in operation.

New methods are being introduced and improved machinery installed in the factory every day, with a view of reducing costs either by the elimination of waste or by increasing efficiency. It is impossible to know whether the introduction of these improvements will reduce costs unless the manufacturer knows not only what his total cost is but exactly what items make up the total. Items of cost are frequently lost track of when the total only is considered, while if these items were properly segregated so as to show what they were they could be materially reduced and in some instances eliminated altogether.

Digitized by Google

EXCHANGE OF STATISTICAL INFORMATION BENEFICIAL.

In the past many manufacturers disliked to give out information concerning their business. To-day the reverse is the case. Trade associations are compiling statistics as to production, shipments, and costs for the benefit of their members, and the manufacturer instead of trying to keep this information to himself welcomes the opportunity to supply the data, knowing that his competitors are doing the same thing and that these statistics will be of benefit to himself and to his industry. The Federal Trade Commission is keenly alive to the value of this information.

The Commission is urging manufacturers to determine their costs accurately in the interest of better trade conditions. It believes that anything that is of benefit to an industry is of benefit to the public, and it is also of the opinion that the nearer cost systems approach uniformity the more valuable will be the results.

MANY BUSINESSES NOT PROFITABLE.

A large proportion of manufacturers are not making the money they should. A great number of them are actually losing money.

The purpose of conducting a business is to make money, and the only way to make money is to sell something for more than it costs. The first essential, then, is to know the cost. It is the belief of the Commission that the small margin of profit existing in so many of our industries is due to the ignorance on the part of manufacturers of what their goods actually cost to produce. This ignorance causes them to make unprofitable prices, which the manufacturer who does know his cost is forced to meet to a large extent.

WHAT IS COST?

Cost is defined as the amount or equivalent paid, or charged, or given for anything; loss of any kind, expenditure, outlay, as of money, time, labor.

This equivalent may be in the form of money paid for material or for labor, or for some one of the many kinds of expense or loss that exist in every manufacturing business. It is apparent that cost consists of three elements, viz, material, labor, and expense.

SYSTEM AND ITS DEVELOPMENT.

The problem is to ascertain the amount of each of these elements, and in order to accomplish this in the simplest and most practical manner the manufacturer has recourse to system. System is defined as a regular method or order, a formal arrangement, or a mode of operation governed by general laws or rules.

Digitized by Google

During the last 10 years the best accounting brains in the country have been devoting a great deal of time to the perfection of general laws or rules which will give the desired results with the least effort and expense, and the outcome of their work is what is known as a "Cost System." This provides not only for the determination of the amount of each element of cost properly chargeable to each job or operation, but also provides for an improved method of bookkeeping which causes the books to reflect at all times the true financial and industrial condition of the business and renders possible the preparation of monthly statements of conditions, as well as complete monthly statements of financial and factory operations.

There are, generally speaking, but two distinct methods of manufacture. Each requires a cost system a little different in detail but identical in fundamental principles. The first of these is used in a business where every order is a separate article of manufacture, very often made to order, and the selling price fixed before work is started; and the second is used in a business where the output consists of one or more articles which are being continually produced. For convenience we will designate the cost systems applicable to each as the "Job Cost System" and the "Continuous Production System."

THE JOB COST SYSTEM.

The first step is to provide for giving the factory instructions as to what work is to be done, and a form should be provided which must give the following information: Job number, date, name and address of customer for whom work is to be done, a description of the work to be done, giving sufficient details, specifications as to what material will be needed, and shipping instructions. This form should also have space for the entry of shipments, so that when the work is done the order form will be a complete record. A duplicate of this factory order should be kept in the office and when the original is sent to the factory the cost clerk opens a job cost sheet under that number.

The job cost sheet should show number, date opened, customer's name, and in some cases a brief description of the work is advisable, as it sometimes enables the cost clerk to detect an error in the number shown on the time ticket or material requisition. As all reports are made by job number instead of by name, it is of vital importance that the greatest care be taken to insure the correctness of the numbers on the time tickets and material requisitions. In addition to the above information, the cost sheet should be arranged so as to provide columns for the following: Date, employee's number, hours, amount of pay, machine number, machine hours, requisition number, quantity of material and cost thereof.

Digitized by Google

MATERIAL.

The first element of cost is material. Material is of two kinds, direct and indirect.

Direct material is that which forms part of some particular job and can be so charged. Indirect material is that which can not be located as belonging to a particular job, and which is more in the nature of general supplies. This class of material is sometimes termed "expense material," as its ultimate destination is the expense account of some department.

Material must be purchased, received, checked, and taken care of until it is required for use, and the general method recommended is as follows:

A part of the factory should be set aside as a stock room and some employee designated to perform the duties of stock clerk. The stock clerk will keep the stock ledger cards or sheets, one for each article, showing the quantity on hand. These cards should also show the maximum quantity of each article he is to be allowed to carry and also the minimum below which the stock must not be allowed to fall. When the stock reaches the minimum a requisition should be made on the purchasing agent for sufficient quantity to bring the stock up to the maximum and sent to the superintendent or works manager for approval, after which the goods are ordered. When the goods come in they should go to the receiving clerk, who checks them, reports their receipt to the office, and delivers the goods to the stock room, where they remain until requisitioned out.

When the order reaches the factory the first step is to obtain the material, and a requisition should be made on the storeroom for the necessary quantity. This requisition should be numbered and space should be provided thereon for job number or department, date, quantity, description, price, amount, and signature of foreman. The cost clerk extends the amount on the requisition and posts it to the job cost sheet in the space provided, then files it away until the end of the month, when the total for the month must be obtained.

LABOR.

The second element of cost is labor, and this, like material, is divided into two classes—direct, or, as it is sometimes called, productive labor, and indirect, or nonproductive labor. Direct labor is that which is applied directly to the job and which can be so charged. Indirect labor is that which can not be located as belonging to any particular job, but must be charged to the expenses of some department.

The general method of handling labor is to have each employee make up a time ticket each day. This ticket, for recording direct labor, should show the employee's name, employee's number, date

Digitized by Google

and hours worked on each job, job number, and machine number, if a machine is used; and in the case of indirect labor the department and nature of the work must be shown in lieu of job number. These time tickets are sent in to the office each day and the direct labor is posted to the job cost sheets and the indirect labor entered on a summary sheet with columns headed by the name of departments, so that the totals can be posted to the department expense accounts at the end of the month.

The productive hours for each department are entered on another summary, both for man hours and machine hours, which is totaled at the end of the month. If the work is correctly done the totals on this summary will equal the total of the postings made to the job cost sheets.

OVERHEAD EXPENSE.

The job cost sheet now has entered thereon the first two elements of cost, viz, direct material and direct labor, and the next question is the proper method of handling the third element of cost, which is generally known as "Overhead Expense," or, as it is also called, "Burden." Overhead expense is the expense of every kind connected with the business, none of which can be directly located as belonging to a particular job. These expenses, while part of the cost of a job, are general, so can not reach the job direct; hence a method must be devised for them to reach the cost sheet in an indirect manner, the method at the same time being so planned that each job will receive its fair proportion of the total.

Before taking up the question of how overhead expense is to be handled, it is necessary to determine just what items constitute overhead. A list of these items and their description must necessarily be very general and subject to change, as items of expense occur in some lines of manufacture which it is necessary to treat as overhead, while the same items in another line can be handled as direct expense.

Overhead may properly be divided into two classes—factory overhead, which consists of items directly belonging to factory operations, and general overhead, which is expense not directly connected with the factory.

As factory overhead is one of the items of total factory cost, the method of handling this will be outlined first.

DEPARTMENTALIZATION NECESSARY FOR PROPER DISTRIBUTION OF FACTORY OVERHEAD.

The first step in a fair and equable distribution of factory overhead is a departmentalization of the business. Every business can be departmentalized to some extent, some more than others, but the subdivision into departments varies so much in the different lines that it is almost impossible to give any definite idea as to what divisions

Digitized by Google

should be made. Generally speaking, it is best to subdivide into departments according to operations of manufacture, although at times, for simplicity, a subdivision which places similar work in the same department regardless of operation is used and has proven satisfactory in a number of cases. By similar work is meant hand workers who use practically the same amount of supplies, machines of similar type, etc. Departmentalizing by operations is a little more complicated, as it results in a greater number of departments, because the same or a similar kind of hand work may be done in several departments, and the same holds true of the machine departments.

In a number of lines of manufacture all work can be placed in one department where the unit of production is the same; i. e., with hand workers the unit is the productive man hour, with machine workers the machine hour, and in other departments the unit may be pound, ton, piece, dozen, square feet, yard, etc. In departmentalizing a business the fact should be borne in mind that the better the departmental subdivision is made the more accurate will be the cost results.

FIXED FACTORY CHARGES.

Building Expense, Power, Insurance, Taxes, and Depreciation constitute what are generally known as "Fixed Factory Charges," because they are practically fixed, and the factory has nothing to do with either increasing or decreasing them.

BUILDING EXPENSE.

The first requisite of a business is a place in which to work; consequently the first item of overhead is Building Expense or Rent. If the building is owned by the manufacturer, the building expenses consist of Insurance, Taxes, Depreciation, and Repairs, together with such other expenses which are general in their nature but yet are necessary to render the building useful, such as heat, light, elevator, janitor, and water. If the building is rented, the items of insurance, taxes, depreciation, and repairs are paid by the owner and in lieu of these is Rent. Rent includes a return on the investment in addition to the items named, so when it is desired to make comparisons between plants where the building is owned and where it is rented the return on the investment must be taken into consideration.

The basis of distribution for all rent charges is the productive or used square feet. The total used square feet divided into the total rent charges gives the charge per used square foot. This result multiplied by the used area of the department gives that department's proportion of the total rent expenses. By used floor space is meant that which is actually in use, exclusive of stairways, passages, elevator space, and idle or unused space.

Digitized by Google

POWER.

The second requisite is power, and this must be obtained either from outside sources or generated in one's own plant. The distribution of power is a little more difficult than that of building expense and sometimes an arbitrary division based on the opinion of the engineer and superintendent is used, but this method is not recommended. One difficulty in distributing power charges is that very often the same boiler supplies steam for heating and steam for power generating and it is difficult to say how much for each.

For distributing power charges the factor generally used is found by multiplying the horsepower required by each machine or department by the average hours run by each and dividing the sum into the total power charge. Power distribution is a problem in itself, and it varies so much in different plants that it is impossible to lay down any rules for its solution. Each plant must be treated in an individual manner according to the existing conditions.

INSURANCE AND TAXES.

Insurance and taxes should be distributed on the basis of the actual net value of the equipment in each department. This refers to fire insurance and taxes on the plant only, as boiler insurance is a charge to power, accident insurance is a charge to general factory expense, and the charge for other forms of insurance is determined by the nature of the insurance. Taxes on real estate and plant only are chargeable against manufacturing operations, as taxes on finished goods in stock and franchise taxes are chargeable to general expense, while income tax is a direct charge to profit and loss.

DEPRECIATION—THE NECESSITY OF INCLUDING IN COST.

Depreciation is one of the most important of all the overhead expenses, because it is generally the largest. There has probably been more written on this subject than any other item of overhead, but there are so many different ways of handling depreciation, some of which are best adapted for one line and some for another, that there is really no recognized standard method. It is universally admitted, however, that depreciation does exist, that it is an element of cost just as much as labor or material, and that any system which does not provide for including it is faulty and one that will not give true costs.

METHODS OF DETERMINING DEPRECIATION.

One method of handling depreciation, which is unqualifiedly condemned although extensively used, is to wait until the end of the year and then if the profit and loss statement shows that a good profit has been earned to charge a part of this profit to depreciation. If, on the other hand, the profit and loss statement shows little or no profit, nothing is charged to depreciation. It is difficult to

Digitized by Google

understand how any practical man can take the view that his plant and equipment have not worn out because he has not made a profit, and at the same time have worn out when he has made a profit.

The first step necessary to provide for proper depreciation is to departmentalize the plant values. The next step is to take each kind of equipment or machine and figure its proper depreciation.

There are several methods of determining the amount of depreciation. One is to estimate the scrap value and deduct this figure from the original cost. The difference is then divided by the estimated life of the machine in years, and the result is the annual depreciation on that machine. A modification of this method which is not quite as simple, but really affords no difficulty, is after ascertaining the amount to be charged off during the life of the machine to determine a percentage which when applied to the net book value of the machine will leave only the scrap value of the machine on the books at the expiration of its estimated life.

To illustrate: If the initial cost of a machine and equipment is $1,000 and the estimated scrap value is $200, with an estimated life of 10 years, then $800 is the amount that must be charged into cost during that period, or $80 per year. To attain this result, by using the net value of the machine as a basis, a rate of 15 per cent would be necessary, which would make the depreciation 15 per cent on $1,000, or $150, the first year; 15 per cent on $850, or $127.50, the second year, etc. The advantage of this method in the interest of normal costs is that the decrease in depreciation charges is ordinarily offset by an increase in repairs.

VARIABLE FACTORY CHARGES.

Variable charges or controllable expenses are the final items of factory overhead. These are subdivided departmentally and charged to the expense account of each department. Owing to the fact that no two lines of manufacture have the same kinds of expenses, a description of them must be very general. Such items as nonproductive labor, repairs, lubricating oils, and miscellaneous supplies are found in nearly all expense accounts.

Factory expenses are incurred which can not be located as belonging to any department, and these items should be charged to an account called "General Factory Expense." This account should be distributed over the departmental expense accounts on some basis which is fair to all, the nature of this distribution varying as to special conditions existing in each particular business. Great care should be taken to prevent anything being charged to the general account that could possibly be charged to one of the departmental accounts, as otherwise, either through carelessness or lack of knowledge, the general account will become the dumping ground for all items the charge for which is in the least doubt.

Digitized by Google

INTEREST.

The question of whether interest on the capital invested is a proper charge against cost of production is one on which there is a marked difference of opinion. The cases where it is considered desirable to include interest in cost may be grouped under two heads:

1. Where materials have to be stored for long periods while a seasoning process is being completed.

2. Where it is desired to show the effect of variations in the amount of capital employed and the term of employment.

As seasoned material has a higher value than when first purchased, it is apparent that the interest on the capital locked up during the seasoning forms in a sense a direct part of the cost of the material. If the material were purchased in a seasoned condition, a higher price would have to be paid, and this price would at least include interest and other carrying charges.

As some manufacturing processes require the use of expensive equipment or take a long time to complete, both of which tie up capital, while other processes require neither the equipment nor the time, it is impossible to get true relative costs unless consideration is given to interest on the capital employed.

Cost accountants and industrial engineers, for comparative and statistical purposes, almost unanimously advocate including interest in cost, and so far as interest is included in cost for comparative or statistical purposes it serves a useful purpose.

Auditors, on the other hand, who are more directly interested in the preparation of statements showing the financial condition of a business, take the ground that interest is not an item of cost and that to include it in cost results in an inflation of inventory values and an anticipation of profits. It is true that including interest in cost does inflate the inventory and is an anticipation of profit by exactly the amount of interest charged to the cost of the goods on hand. In arriving at inventory values, however, the approximate interest which has been charged to the cost of the goods on hand can be readily eliminated.

It is recommended that where interest on the investment is treated as an item of cost that the interest charged to the goods on hand be eliminated from inventory values, and, that in preparing profit and loss statements the amount of the interest charged to costs during the period be returned to Income under the specific caption "Interest on Investment."

ASCERTAINMENT OF NORMAL COST.

In every manufacturing business it is unquestionably true that in some months items of expense will occur which are not properly chargeable against the cost for that month. For instance, it may be

Digitized by Google

found necessary to make extensive repairs on a machine, which repairs are sufficient for the entire year, and it would be manifestly unfair to include the entire repairs in the costs of any given month. Furthermore, every business has its dull season when its departments are not running more than half time, and this would also result in the actual cost for those months being abnormally high.

These facts lead to the conclusion that what is necessary for the manufacturer to know is not "What did it cost me to produce my goods last month?" but "What would it have cost me to produce under normal conditions and how far were my actual costs from normal?" It will be seen that if selling prices are based on actual costs during a busy season when the plant is probably working overtime, the selling prices would be so low that the plant might be literally swamped with work, while conversely, if the selling prices were based on actual costs when the plant was dull, they might be so high that no business whatever could be obtained. It is necessary, therefore, that costs be averaged over a period of time sufficiently long to take in both dull and busy seasons. The method of doing this is to establish a "Reserve for Overhead" and credit this account with the reduction in cost during the busy season and charge it with the increase in cost during the dull season. The balance of this account is closed out to Trading Account, as will be explained later.

DISTRIBUTION OF OVERHEAD TO JOB COSTS.

Having now provided for the recording of the overhead expense, it becomes necessary to provide for charging it to the different jobs. There are several methods of doing this. The first is by charging a percentage on direct labor, but this in many lines results in inaccuracies and the method has been discarded by a large number of manufacturers, although there are many who still use it owing to its ease of operation. An illustration will show the reason for the inaccuracy of this method. One man receiving 40 cents an hour may be doing handwork, requiring no power, very little floor space, and few supplies. If the overhead rate was 40 per cent, his hour cost would be 40 plus 16, or 56 cents. Another man, receiving the same rate of pay, may be working at a large and expensive machine, being subject to repairs, using power, several times the floor space, and using a quantity of supplies, and his cost would be figured at 56 cents also, although it is probably a fact that the machine he is using can not be operated for less than $1 an hour. Another fault with this method is that it throws most of the burden on the high-priced man, when as a matter of fact, and this will be admitted by nearly every practical executive, the high-priced man requires less supervision and wastes less material than the cheaper one and really should carry a less burden instead of a greater.

Digitized by Google

There are, however, some lines of manufacture where the direct labor method of distributing overhead can be used to advantage, particularly where the workmen are on a piecework basis or where they receive practically the same wage. In such cases a percentage of direct labor will give good results.

THE PRODUCTIVE-HOUR METHOD.

Another method, and the one that is recognized by a majority of manufacturers and accountants as the standard, is what is known as the "Productive-Hour Method." In a plant where practically all the labor is hand labor, the man hour is the basis and the total hours divided into the total overhead expense gives a rate per hour, which rate multiplied by the hours spent on a job gives the overhead expense chargeable to that job.

In a plant where machines are the producing unit the distribution must be on the basis of the machine hour, and the same method is pursued as in the case of the man hour.

An estimate of overhead expenses should be made at the beginning of the year, based on previous years' experience with such changes as the executive's knowledge of business conditions leads him to make. This figure, divided by the expected output in hours of the machines, gives a normal overhead expense rate to be applied to all work in that department. This rate remains constant until the end of the fiscal year. The following schedule shows the method to be used in establishing this rate:

ESTIMATED FACTORY OVERHEAD, 1916.

	Total.		Dept. A.		Dept. B.		Dept. C.	
Indirect Labor	$7,300	00	$2,500	00	$3,000	00	$1,800	00
Building Expense	3,900	00	1,200	00	1,500	00	1,200	00
Power	8,560	00	2,800	00	3,960	00	1,800	00
Insurance	420	00	144	00	192	00	84	00
Taxes	525	00	180	00	240	00	105	00
Depreciation	2,625	00	900	00	1,200	00	525	00
Repairs	5,400	00	1,500	00	2,700	00	1,200	00
General Factory Expense	4,950	00	1,650	00	2,100	00	1,200	00
Miscellaneous Supplies	790	00	240	00	360	00	190	00
Miscellaneous Expense	1,818	00	720	00	900	00	198	00
	36,288	00	11,834	00	16,152	00	8,302	00
Yearly Hours Per Unit:								
306 Days 8 Hours Each			2,448		2,448		2,448	
Less 10 per cent			245		245		245	
Net Yearly Hours Per Unit			2,203		2,203		2,203	
Number of Units in Department			8		14		25	
Yearly Hours per Department			17,624		30,842		55,075	
Hourly Overhead Rate			67¢		52¢		15¢	

TOTAL FACTORY COST.

The job cost sheet has now been charged with the three elements of cost, viz, material, labor, and factory overhead expense, and the total of these constitutes factory cost, to which must be added the general overhead.

Digitized by Google

SHIPPING, SELLING, AND GENERAL EXPENSES.

All of the items of factory cost now having been described and the goods completed and placed in the storeroom as finished goods, the next step is the method of handling the shipping, selling, and general expenses of the business.

Shipping account is charged each month with its proportion of the fixed charges and with labor, supplies, and miscellaneous expense items. The total of this account is closed out to Profit and Loss.

Selling expense is the next item to be considered. Some include everything under this head that is not charged to the factory. A better plan, though, is to separate the actual selling expense from the general expenses and include in selling only such items as salaries and expenses of the sales force whether on the road or in the office, advertising, catalogues, price lists, the cost of handling canceled orders, etc.

Under general expenses are included officers' salaries, office expenses (not including factory clerks), discount on sales, bad debts, bad work, franchise taxes, and other items of a general nature. The item Bad Work included in General Expense is defective work. As every manufacturer has to contend with this item of expense it must be included with the other general expenses.

An estimate of shipping, selling, and general expenses should be made at the beginning of the year. This amount divided by the estimated cost of the total completed work for the year gives a percentage for these items. Applying this rate to the factory cost of a job, the amount which must be added to factory cost to ascertain total cost is readily determined.

The following schedule shows the method of arriving at this rate:

ESTIMATED SHIPPING, SELLING, AND GENERAL EXPENSES.

FOR YEAR 1916.

	Total.		Distribution.					
			Shipping.		Selling.		General.	
Building Expense	$1,200	00	$600	00	.....	....	$600	00
Labor	1,500	00	1,500	00	.....	....	.....	....
Salaries	13,200	00	.....	....	$9,600	00	3,600	00
Officers' Salaries	4,800	00	.....	....	.....	....	4,800	00
Commissions	2,500	00	.....	....	2,500	00	.....	....
Advertising	1,500	00	.....	....	1,500	00	.....	....
Insurance	192	00	12	00	.....	....	180	00
Taxes	215	00	15	00	.....	....	200	00
Depreciation	200	00	100	00	.....	....	100	00
Repairs	120	00	50	00	.....	....	70	00
Delivery Expense	2,300	00	.....	....	.....	....	2,300	00
Discount on Sales	1,200	00	.....	....	.....	....	1,200	00
Reserve for Bad Debts	750	00	.....	....	.....	....	750	00
Miscellaneous Expense	325	00	75	00	100	00	150	00
	30,002	00	2,352	00	13,700	00	13,950	00
Estimated cost of completed work, $120,000.00.								
Percentage on Cost	25%		2%		11.5%		11.5%	

Digitized by Google

CONTROLLING ACCOUNTS.

The principles of double entry are carried out in connection with a cost system by means of what is known as "controlling accounts." The advantage of the controlling principle is that it puts the bookkeeper in position to check up the work of the cost department in totals, or, in other words, to control it. The control system will not detect an error such as posting to the wrong account, but it is an indubitable proof that the cost clerk has posted every item to the proper side of some account. It is hard to exaggerate the importance of this feature in any cost system.

Materials account is charged with all purchases of materials from the accounts payable or voucher register. The requisitions for the month are totaled and a journal entry effected crediting Materials and charging Work in Process. The balance of the account is the cost of the materials in the stock room.

Labor account is charged with the total labor, both direct and indirect. At the end of the month the account is credited with the total labor shown on the cost clerk's labor summaries and Work in Process charged with the direct labor and the departmental expense accounts with the indirect labor. There will be a credit balance in this account which will represent the amount earned by the employees, but not paid. When the end of a pay period falls on the last day of the month, the account should balance.

The next type of controlling accounts necessary are those which reflect the overhead expenses. Building Expense account is charged with all expenses of every kind, as heretofore described, and at the end of the month a journal entry is made charging each department with its proportion of the total and crediting Building Expense account. The entire expense of this account should be absorbed by the departmental expense accounts.

Power account is handled in exactly the same manner. The entire expense of this account should also be absorbed by the departmental expense accounts.

Insurance is charged with all insurance which applies to the factory, such as fire, accident, boiler, etc. This account is credited each month with one-twelfth of the annual payment and the proper departmental account charged. Insurance on stock, either raw material, work in process, or finished goods, is charged to General Expense and Insurance account credited. The balance of this account is the value of prepaid insurance.

Taxes account is handled in the same manner as the Insurance account, but these two accounts should be kept separate.

Depreciation account is comparatively simple to handle. A journal entry is made each month charging Building Expense, Power, and the departmental expense accounts with the amount of depreciation

Digitized by Google

decided on at the beginning of the year. The credit goes to an account called "Depreciation Reserve," the effect of which is to reduce the book value of the plant and equipment, although it is not a good plan to actually reduce this value on the books. It is better to carry the reserve account and let the plant accounts remain at the original cost figure.

The departmental expense accounts have now been charged with their proportion of the fixed charges and with the indirect labor. The only other charges are miscellaneous expenses, supplies, and repairs, and these come from the Accounts Payable Register. These departmental expense accounts are now credited with the distributed overhead expense determined by multiplying the number of operating hours by the normal hourly rate, Work in Process account being charged. This total credit should balance the expense accounts, but practically there will be small balances which should be charged or credited at the end of the year to Reserve for Overhead.

Work in Process account now stands charged with direct material, direct labor, and the departmental overhead expense. It is credited with the cost of all jobs completed during the month, the charge being to Finished Goods account. The balance of Work in Process account is the factory cost of incomplete work. The charge to offset this credit is to Finished Goods account.

When goods are sold, Finished Goods account is credited with the cost and Trading Account charged. This figure is what is known as "Cost of Sales." When goods are returned, Trading account is credited and Finished Goods charged with the cost of the returned goods, so that Cost of Sales will only be the cost of goods actually sold.

The Reserve for Overhead is charged or credited to Trading account, so that the balance of the account is the true gross profit on the goods sold.

THE CONTINUOUS PRODUCTION SYSTEM.

A system for recording the costs of a continuous product is a much simpler one than a system for recording the cost of job work, because in the former costs are figured departmentally or by processes instead of by jobs. The accounts are practically the same, except that there is not the necessity for the same detailed analysis as in the job cost system.

The business must be departmentalized as the first step, and the departmental divisions carefully observed, as otherwise true costs will not be obtained. The departmental divisions are different from the job cost divisions, as these should be by processes, regardless as to whether the work is of similar character or not.

Material is handled in the same way in both systems as far as purchases and delivery to stock room goes, but in a slightly different

Digitized by Google

manner after it is requisitioned out. It will be necessary to open a material account for each department. As the material is withdrawn for use these accounts are charged with its cost whether it be purchased raw material or the finished product of some preceding department. The credit to these accounts will be the cost of the material used on the completed work and the balance will be the cost of the material used on the work in process.

Labor is handled in the same manner as described in the Job Cost System, except that it is not necessary to differentiate between direct and indirect labor. It is, however, advisable to keep the direct and indirect labor separate in order to get a detailed analysis of cost in each department, so that any leaks which may exist will be brought to light. All labor done in a department is part of the cost of operation of that department and must be taken up in the monthly cost sheets. There will be some general labor, such as foremen, superintendents, etc., whose work must be distributed over several departments. The basis for this distribution depends on the nature of the business. It will be necessary to open departmental labor accounts which will be charged with all labor and credited with the labor cost of the completed material. The balance in these accounts will represent the value of labor done on the work in process.

There should be also an overhead expense account for each department, and these accounts will be charged with their proportion of the fixed charges, with all indirect material or supplies, and with all miscellaneous expense items. The credit to these accounts will be the expense incurred on the work completed, and the balance will be the expenses incurred on the work in process.

At the end of the month a journal entry is made charging a succeeding department material account, or the finished goods account, as the case may be, with the total cost of the product sent out and crediting each of the departmental accounts with its share of the total cost. When this is done it will be seen that the sum of the balances in these three departmental accounts, namely, material, labor, and expense, will be the cost of the work in process in that department. When a department has completed all the work it has and sent its product to some other department these three accounts should balance.

In some lines of manufacture, where a continuous product is made, it is the practice to issue a Works Production Order to make a certain quantity of goods, and where this practice is used the Job Cost System is used, keeping the cost by order number.

After the goods have reached the Finished Goods account the method of treatment under the Continuous Production System is identical with the Job Cost System.

Digitized by Google

FINANCIAL AND OPERATING STATEMENTS.

The profit and loss statement should be so arranged as to reflect the actual results of the period, and the figures shown thereon should not need any explanation or qualification.

For the purpose of giving the executive information as to the operations of his factory it is well to prepare a statement of factory operations. As all the figures are from the books, the preparation of this statement involves very little work and gives valuable information.

A statement of assets and liabilities should also be prepared, and the difference between assets and liabilities must be the figure shown on the profit and loss statement as surplus or net profit.

Where goods are purchased for resale the profit and loss statement should have another division showing the amount of profit on purchased goods or merchandising separate from the profit earned on manufactured goods. Where this item is small it may be disregarded and merged into manufactured goods, but the best practice is to keep them separate.

The systems outlined are believed to be simple and easy of operation. While a number of details have been explained it must be remembered that the methods outlined are general, and it is not claimed that the outlines as given would fit every business. The one thing above all others that both the manufacturer and the accountant should have in mind in installing a system is simplicity. Simplicity means ease of operation, less liability of error, and what is equally important economy of operation.

LEDGER ACCOUNTS AND STATEMENTS.

The following schedules show the ledger accounts necessary, the trial balance before the closing entries are made, and forms for a profit and loss statement, statement of factory operations, and balance sheet. In order to enable ready reference to be made to the various entries numbers have been inserted showing the source of the entry. While the ledger accounts show the books as closed, it is not recommended that this be done except at the end of the fiscal year, as statements can be prepared from the ledger without the accounts being closed.

MATERIALS. 1.

Balance	$3,000	00	Work in Process (14)	$6,484	32
Purchases (29)	7,800	00	Balance	4,600	00
Freight and Express (29)	284	32			
	11,084	32		11,084	32
Balance	4,600	00			

Digitized by Google

LABOR. 2.

Total Pay Roll.....(29)	$5,692	28	Balance.....	$200	00
Balance.....	686	79	Work in Process.....(14)	4,444	67
			Building Expense.....(3)	185	00
			Power.....(4)	300	00
			Repairs.....(8)	356	40
			General Factory Expense.....(9)	92	60
			Factory Overhead, Dept. A...(10)	246	50
			" " " B...(11)	251	20
			" " " C...(12)	185	70
			Shipping.....(21)	117	00
	6,379	07		6,379	07
			Balance.....	686	79

BUILDING EXPENSE. 3.

Labor.....(2)	$185	00	General Factory Expense..... (9)	$76	29
Power (Heat and Light)..... (4)	84	10	Factory Overhead, Dept. A...(10)	101	72
Insurance..... (5)	12	00	" " " B...(11)	127	15
Taxes..... (6)	20	00	" " " C....(12)	101	72
Depreciation..... (7)	40	00	Shipping.....(21)	50	86
Repairs..... (8)	65	00	General Expense (Office).....(23)	50	86
Elevator Expenses.....(29)	58	00			
Water.....(29)	16	50			
Miscellaneous Materials.....(29)	28	00			
	508	60		508	60

POWER. 4.

Labor..... (2)	$300	00	Building Expense..... (3)	$84	10
Insurance..... (5)	8	00	Factory Overhead, Dept. A...(10)	252	30
Taxes..... (6)	10	00	" " " B...(11)	336	40
Depreciation..... (7)	40	00	" " " C....(12)	168	20
Fuel.....(29)	325	00			
Oils.....(29)	45	00			
Water.....(29)	38	00			
Repairs and Supplies.....(29)	75	00			
	841	00		841	00

INSURANCE. 5.

Accounts Payable.....(29)	$828	00	Building Expense..... (3)	$12	00
			Power..... (4)	8	00
			Repairs..... (8)	2	00
			Factory Overhead, Dept. A...(10)	12	00
			" " " B...(11)	16	00
			" " " C....(12)	7	00
			Shipping.....(21)	1	00
			General Expense.....(23)	14	00
			Balance.....	756	00
	828	00		828	00
Balance.....	756	00			

TAXES. 6.

Accounts Payable.....(29)	$1,095	00	Building Expense..... (3)	$20	00
			Power..... (4)	10	00
			Repairs..... (8)	2	50
			Factory Overhead, Dept. A...(10)	15	00
			" " " B...(11)	20	00
			" " " C....(12)	8	75
			Shipping.....(21)	1	25
			General Expense.....(23)	16	75
			Balance.....	1,000	75
	1,095	00		1,095	00
Balance.....	1,000	75			

Digitized by Google

DEPRECIATION RESERVE. 7.

Balance	$1,568	74	Balance	$1,240	00
			Building Expense (3)	40	00
			Power (4)	40	00
			Repairs (8)	13	33
			Factory Overhead Dept. A (10)	75	00
			" " " B (11)	100	00
			" " " C (12)	43	75
			Shipping (21)	8	33
			General Expense (23)	8	33
	1,568	74		1,568	74
			Balance	1,568	74

REPAIRS. 8.

Labor (2)	$356	40	Building Expense (3)	$65	00
Insurance (5)	2	00	Factory Overhead, Dept. A (10)	159	00
Taxes (6)	2	50	" " " B (11)	247	80
Depreciation (7)	13	33	" " " C (12)	115	43
Supplies (29)	167	00	Shipping (21)	2	00
Miscellaneous Expense (29)	48	00			
	589	23		589	23

GENERAL FACTORY EXPENSE. 9.

Labor (2)	$92	60	Factory Overhead, Dept. A (10)	$155	90
Building Expense (3)	76	29	" " " B (11)	207	79
Factory Office Expense (29)	265	00	" " " C (12)	104	30
Miscellaneous Expense (29)	14	10			
Miscellaneous Supplies (29)	20	00			
	467	99		467	99

FACTORY OVERHEAD, DEPT. A. 10.

Indirect Labor (2)	$246	50	Work in Process, 1,802 Hours, at 67 cents (14)	$1,207	34
Building Expense (3)	101	72			
Power (4)	252	30			
Insurance (5)	12	00			
Taxes (6)	15	00			
Depreciation (7)	75	00			
Repairs (8)	159	00			
General Factory Expense (9)	155	90			
Miscellaneous Supplies (29)	30	00			
" Expense (29)	75	60			
Reserve for Overhead (13)	*84*	*32*			
	1,207	34		1,207	34

FACTORY OVERHEAD, DEPT. B. 11.

Indirect Labor (2)	$251	20	Work in Process, 2,523 Hours, at 15 cents (14)	$1,311	96
Building Expense (3)	127	15	*Reserve for Overhead (13)*	*119*	*78*
Power (4)	336	40			
Insurance (5)	16	00			
Taxes (6)	20	00			
Depreciation (7)	100	00			
Repairs (8)	247	80			
General Factory Expense (9)	207	79			
Miscellaneous Supplies (29)	40	00			
" Expense (29)	85	40			
	1,431	74		1,431	74

Digitized by Google

FACTORY OVERHEAD, DEPT. C. 12

Indirect Labor.....(2)	$185	70	Work in Process, 4,418 Hours, at 15 cents.....(14)	$662	70
Building Expense.....(3)	101	72	*Reserve for Overhead*.....(13)	153	65
Power.....(4)	168	20			
Insurance.....(5)	7	00			
Taxes.....(6)	8	75			
Depreciation.....(7)	43	75			
Repairs.....(8)	115	43			
General Factory Expense.....(9)	104	30			
Miscellaneous Supplies.....(29)	20	00			
" Expense.....(29)	61	50			
	816	35		816	35

RESERVE FOR OVERHEAD. 13

Factory Overhead, Dept. B...(11)	$119	78	Factory Overhead, Dept. A...(10)	84	22
" " " C...(12)	153	65	*Trading*.....(20)	189	21
	273	43		273	43

WORK IN PROCESS. 14

Balance.....	$2,000	00	Finished goods.....(15)	$12,086	15
Material.....(1)	6,484	32	Balance.....	4,024	86
Labor.....(2)	4,444	67			
Factory Overhead, Dept. A...(10)	1,207	34			
" " " B...(11)	1,311	96			
" " " C...(12)	662	70			
	16,110	99		16,110	99
Balance.....	4,024	86			

FINISHED GOODS. 15

Balance.....	$3,754	00	Trading (cost of sales).....(20)	$8,891	53
Work in process.....(14)	12,086	13	Balance.....	7,635	72
Cost of returns.....(20)	597	12			
	16,437	25		16,437	25
Balance.....	7,635	72			

SALES. 16

Sales returns.....(17)	$865	20	Accounts receivable.....(28)	$13,485	60
Sales allowances.....(18)	50	00			
Out freight.....(19)	120	00			
Trading.....(20)	*12,450*	*40*			
	13,485	60		13,485	60

SALES RETURNS. 17.

Accounts receivable.....(28)	$865	20	*Sales*.....(16)	$865	20

SALES ALLOWANCES. 18.

Accounts receivable.....(28)	$50	00	*Sales*.....(16)	$50	00

OUTBOUND FREIGHT. 19.

Accounts Payable.....(29)	$120	00	*Sales*.....(16)	$120	00

Digitized by Google

TRADING. 20.

Cost of Sales.....(15)	$8,801	53	Cost of Returns.....(15)	$597	12
Reserve for Overhead.....(13)	189	11	Sales.....(16)	12,450	40
Profit and loss .....(27)	*4,056*	*88*			
	13,047	52		13,047	52

SHIPPING. 21.

Labor.....(2)	$117	00	*Profit and loss*.....(27)	*$237*	*19*
Building Expense.....(3)	50	86			
Insurance.....(5)	1	00			
Taxes.....(6)	1	25			
Depreciation.....(7)	8	33			
Repairs.....(8)	2	00			
Miscellaneous Supplies.....(29)	50	00			
Miscellaneous Expense.....(29)	6	75			
	237	19		237	19

SELLING EXPENSE. 22.

Salaries.....(29)	$800	00	*Profit and Loss*.....(27)	*$1,120*	*53*
Commissions.....(29)	200	00			
Advertising.....(29)	120	53			
	1,120	53		1,120	53

GENERAL EXPENSE. 23.

Building Expense.....(3)	$50	86	*Profit and Loss*.....(27)	*$1,180*	*67*
Insurance.....(5)	14	00			
Taxes.....(6)	16	75			
Depreciation.....(7)	8	33			
Officers' Salaries .....(29)	400	00			
Office Salaries .....(29)	300	00			
Delivery Expense.....(29)	186	43			
Miscellaneous Expense.....(29)	204	30			
	1,180	67		1,180	67

DISCOUNT ON PURCHASES. 24.

Profit and Loss.....(27)	*$165*	*40*	Accounts Payable .....(29)	$165	40

DISCOUNT ON SALES. 25.

Accounts Receivable.....(28)	$95	00	*Profit and Loss*.....(27)	*$95*	*00*

RESERVE FOR BAD DEBTS. 26.

Accounts Receivable.....(28)	$64	00	Balance.....	$125	00
Balance.....	131	00	*Profit and Loss*.....(27)	*70*	*00*
	195	00		195	00
			Balance.....	131	00

Digitized by Google

PROFIT AND LOSS.

Shipping.....(21)	$237	19	Trading.....(20)	$4,056	[illegible]
Selling.....(22)	1,120	53	Discount on Purchases.....(24)	166	[illegible]
General Expense.....(23)	1,180	67			
Discount on Sales.....(25)	95	00			
Reserve for Bad Debts.....(26)	70	00			
Net Profit to Surplus.....(36)	*1,518*	*89*			
	4,222	28		4,222	[illegible]

ACCOUNTS RECEIVABLE.

Balance.....	$6,000	00	Cash.....(30)	$9,875	[illegible]
Sales.....(16)	13,485	60	Returns.....(17)	365	[illegible]
			Sales Allowances.....(18)	50	[illegible]
			Discount on Sales.....(25)	95	[illegible]
			Bad Debts.....(26)	64	[illegible]
			Balance.....	8,536	[illegible]
	19,485	60		19,485	[illegible]
Balance.....	8,536	40			

ACCOUNTS PAYABLE.

Cash.....(30)	$15,350	50	Balance.....	$6,250	[illegible]
Discount on Purchases.....(24)	165	40	Accounts Payable Register.....	19,499	[illegible]
Balance.....	10,233	81			
	25,749	71		25,749	[illegible]
			Balance.....	10,233	[illegible]

CASH.

Balance.....	$17,061	00	Accounts Payable.....(29)	$15,350	[illegible]
Accounts Receivable.....(28)	9,875	00	Balance.....	11,585	[illegible]
	26,936	00		26,936	[illegible]
Balance.....	11,585	50			

LAND.

Balance.....	$4,000	00			

BUILDINGS.

Balance.....	$12,000	00			

MACHINERY AND EQUIPMENT.

Balance.....	$50,000	00			

Digitized by Google

CAPITAL STOCK. 34.

			Balance	$100,000	00

UNISSUED STOCK. 35.

Balance	$15,000	00			

SURPLUS. 36.

Balance	$6,518	89	Balance	$5,000	00
			Profit and loss (27)	1,518	89
	6,518	89		6,518	89
			Balance	6,518	89

TRIAL BALANCE (BEFORE CLOSING) JANUARY 31, 1916.

1	Materials	$4,600	00		
2	Labor			$686	79
5	Insurance	756	00		
6	Taxes	1,000	75		
7	Depreciation Reserve			1,568	74
10	Factory Overhead Dept. A			84	32
11	" " " B	119	78		
12	" " " C	153	65		
14	Work in Process	4,024	86		
15	Finished Goods	7,635	72		
16	Sales			13,485	60
17	Sales Returns	865	20		
18	Sales Allowances	50	00		
19	Outbound Freight	120	00		
20	Trading	8,204	41		
21	Shipping	237	19		
22	Selling Expense	1,120	53		
23	General Expense	1,180	67		
24	Discount on Purchases			165	40
25	Discount on Sales	95	00		
26	Reserve for Bad Debts			61	00
28	Accounts Receivable	8,536	40		
29	Accounts Payable			10,233	81
30	Cash	11,585	50		
31	Land	4,000	00		
32	Buildings	12,000	00		
33	Machinery and Equipment	50,000	00		
34	Capital Stock			100,000	00
35	Unissued Stock	15,000	00		
36	Surplus			5,000	00
		131,285	66	131,285	66

Digitized by Google

PROFIT AND LOSS STATEMENT FOR MONTH ENDING JANUARY 31, 1916.

Gross Sales	(16)	.....	$13,485.60
Sales Returns	(17)	$865.20	
Sales Allowances	(18)	50.00	
Outbound Freight	(19)	120.00	
			1,035.20
Net Sales			12,450.40
Cost of Sales	(20)	8,204.41	
Reserve for Overhead	(13)	189.11	
			8,393.52
Gross Profit			4,056.88
Shipping	(21)	237.19	
Selling Expense	(22)	1,120.53	
General Expense	(23)	1,180.67	
Discount on Sales	(25)	95.00	
Bad Debts	(26)	70.00	
			2,703.39
Net Earnings			1,353.49
Discount on Purchases	(24)	.....	165.40
Net Profit			1,518.89

STATEMENT OF FACTORY OPERATIONS, FOR THE MONTH ENDED JANUARY 31, 1916.

SUMMARY OF FACTORY OPERATIONS.

Material:		
Inventory at first of Month	$3,000.00	
Purchases	7,800.00	
Freight and Express In	284.32	
Total	11,084.32	
Less Inventory at End of Month	4,600.00	
Direct Material Used		$6,484.32
Direct Labor		4,444.67
Factory Overhead, per detail below:		
Department A	1,207.34	
" B	1,311.96	
" C	662.70	
Total Factory Overhead		3,182.00
Total Material, Labor and Overhead		14,110.99
Add Inventory, First of Month:		
Work in Process	2,000.00	
Finished Goods	3,754.00	
		5,754.00
		19,864.99
Less Inventory at End of Month:		
Work in Process	4,024.86	
Finished Goods	7,635.72	
		11,660.58
Cost of Sales, per Profit and Loss Statement		8,204.41

Digitized by Google

SUMMARY OF FACTORY OVERHEAD.

Nature of Expense.	Total.		Department A.		Department B.		Department C.	
ling Expense	$330	59	$101	72	$127	15	$101	72
er	756	90	252	30	336	40	168	20
eciation	218	75	75	00	100	00	43	75
rance	35	00	12	00	16	00	7	00
s	43	75	15	00	20	00	8	75
Repairs	522	23	159	00	247	80	115	43
ral Factory Expense	467	99	155	90	207	79	104	30
ellaneous Supplies	90	00	30	00	40	00	20	00
rect Labor	683	40	246	50	251	20	185	70
ellaneous Expense	222	50	75	60	85	40	61	50
Total	3,371	11	1,123	02	1,431	74	816	35
istment in Department Overhead	189	11	84	32	*119*	*78*	*153*	*65*
Total Factory Overhead, as above	3,182	00	1,207	34	1,311	96	662	70

BALANCE SHEET, JANUARY 31, 1916.

rent Assets:				
Cash (30)	.....		$11,585.50	
Accounts Receivable (28)	$8,536.40			
Less Reserve for Bad Debts (26)	131.00			
			8,405.40	
Raw Materials (1)	.....		4,600.00	
Work in Process (14)	.....		4,024.86	
Finished Goods (15)	.....		7,635.72	
Total Current Assets				$36,251.48
ferred Assets:				
Prepaid Insurance (5)	.....		756.00	
Prepaid Taxes (6)	.....		1,000.75	
Total Deferred Assets				1,756.75
pital Assets:				
Land (31)	.....		4,000.00	
Buildings (32)	12,000.00			
Machinery and Equipment (33)	50,000.00			
	62,000.00			
Less Depreciation Reserve (7)	1,568.74			
			60,431.26	
Total Capital Assets				64,431.26
Total Assets				102,439.49
urrent Liabilities:				
Accounts Payable (29)	.....		10,233.81	
Accrued Wages (2)	.....		686.79	
Total Current Liabilities				10,920.60
apital Liabilities:				
Capital Stock (34)	100,000.00			
Less Unissued Stock (35)	15,000.00			
			85,000.00	
Surplus (36)	.....		5,000.00	
Total Capital Liabilities				90,000.00
Net Profit for Month				1,518.89
				102,439.49

Digitized by Google

USES AND ADVANTAGES OF A COST SYSTEM.

The prime object of a cost system is to determine costs, to analyze and compare them, and to use them as a basis for making prices. But the uses and advantages go further. A manufacturer from reliable records is able to make clearer and more intelligent statements to his bank and thereby obtain a larger line of credit than he could without them.

BETTER DIRECTION OF SALES FORCE.

In most every line of manufacture there are some classes of work done on which the manufacturer loses money. This may be due to the high cost in his own plant, or it may be due to the fact that some competitor is better equipped to make that particular article. A cost system will bring out these facts and will show the manufacturer which lines he should push. Salesmen, like everyone else, are prone to follow the line of least resistance. In salesmanship, the line of least resistance is selling the goods which require the least effort, and in nearly every instance the goods which require the least effort to sell are the least profitable lines. If the selling force know that a line of goods produces little or no profit and are told to use every effort to push another line, the result will be apparent in the profit and loss account.

Still other manufacturers have customers on their books to whom they have been selling for years and have been giving some reduction in price or some concession in the way of extra work. A number of these accounts are decidedly unprofitable, and a cost system will bring these to light and put the manufacturer either in a position to raise his prices to a profitable basis or let some one else have the unprofitable business.

ELIMINATION OF WASTE.

In every manufacturing business there are bound to occur leaks either of material, labor, or expense. If statistics are kept showing the amount of material necessary to do certain classes of work, the amount of labor, and the amount of overhead expense, an increase in any of these items will be revealed by a comparison and the executive will be in a position to take the matter up for investigation. It is hardly necessary to say that after a few of these matters have been taken up with the factory the factory people will use a little more care, not only in the use of the material but in the time they spend on the work. A cost system with forms properly designed for giving statistical information is of the greatest aid to factory efficiency.

Digitized by Google

COST SYSTEM AN INVESTMENT, NOT AN EXPENSE.

A system will not run itself; neither will it in itself reduce costs nor increase efficiency. This is strictly up to the manufacturer himself. A system will give him the information, and if this information is properly used, he will unquestionably find that his system is not an item of expense, but a very valuable asset.

If a manufacturer purchases a new machine before his old one is worn out, he does so because he expects the amount expended to increase his profits either from economy in operation or from an increase in production. He looks on this as an investment and not an expense. Office methods have been improved to quite as large an extent as machinery, and an investment in improved methods will produce a return just as will an investment in improved machinery.

One of the strongest arguments in favor of installing a practical cost system is the fact that every manufacturer who has installed one and who has operated it for at least a year is firmly convinced that it is a paying proposition.

The Federal Trade Commission is urging manufacturers to give the subject of accurate costs the attention it deserves. It has found that unreliable costs of production and distribution cause a great deal of unfair competition and a heavy business death rate.

While the claim is not made that a cost system will save a man from failure, the claim is made that a man who knows where he stands day by day is very much less likely to make a failure of his business than one who is directing his business by guesswork.

Digitized by Google

Digitized by Google

64TH CONGRESS, 1st Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 1357.

ANACOSTIA RIVER AND FLATS, D. C.

LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING

REPORT OF THE BOARD OF ENGINEERS PROPOSING A MODIFICATION OF THE PROJECT FOR THE RECLAMATION AND DEVELOPMENT OF THE ANACOSTIA RIVER AND FLATS, D. C.

SEPTEMBER 7, 1916.—Referred to the Committee on the District of Columbia and ordered to be printed, with illustrations.

WAR DEPARTMENT,
Washington, June 24, 1916.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

SIR: I have the honor to transmit herewith a report of a board of engineers, proposing a modification of the project for the reclamation and development of the Anacostia River and Flats, D. C.

The preparation of the project was authorized by Congress March 2, 1911, by an item in the act making appropriations to provide for the expense of the government of the District of Columbia (35 Stats., 1005), the reclamation and development of the river and flats to be upon plans to be prepared under the direction of and to be approved by a board consisting of the Engineer officer in charge of public buildings and grounds, District of Columbia, the Engineer officer in charge of the improvement of the Potomac River, and the Engineer Commissioner of the District of Columbia.

The plans adopted were described in a report of the board, dated April 29, 1912. The general features have been presented to Congress in the annual reports of the Chief of Engineers. They include the construction of a dam across the river at Massachusetts Avenue, forming a lake extending thence upstream to the District line, a distance of about 3 miles, the lake level to be about 2 feet above mean low water; also the construction of a lock in connection with the dam to provide for navigation between the lake and the river

Digitized by Google

below; also the filling of the shores adjacent to the lake and the development of a public park thereon; also the construction of river walls from the dam downstream to Anacostia Bridge and the improvement of the channel in that section.

One of the most objectionable features of the Anacostia River is the amount of silt it carries, which makes boating unpleasant and leaves a coat of mud on the shores. It was expected that the proposed dam would assist in improving these conditions by excluding silt brought from the Potomac River by flood tides. Recent investigations indicate, however, that the silt from the Potomac is much less than that brought down from the headwaters of the Anacostia. While the observations cover only a limited period, the results show conclusively that the objectionable conditions are due to material carried down from the upper reaches of the Anacostia and not to that which originates on the Potomac. Practically all this sediment would be deposited above the proposed dam, and dredging would be required at intervals for its removal.

Furthermore, the sewage conditions in the drainage basin of the Anacostia are bad, and it is found that the proposed lake would be highly polluted. The necessary purification would be expensive.

The composition of the board making the report herewith submitted is as required by the act, but none of the present members served on the original board. It is the view of the present board that the large amount of silt in the Anacostia makes the present project impracticable. They think it best to eliminate the proposed dam across the river and to construct a channel along the left bank between Massachusetts Avenue and the District line of dimensions adequate for navigation and for the discharge of extreme freshets; also to create along the right bank parallel with the channel an aquatic park separated from the river channel by a continuous bank. Provision for the necessary flow of water through the basin will be made by influent gates at the upper end and effluent gates at the lower end, fresh water to be admitted at the upper end at periods of low turbidity and released at the lower end at proper stages of the tide. Experience only will show whether satisfactory conditions in the pool will be obtained without special provision for the purification of the water. The board thinks that it will be found satisfactory for all purposes except drinking and bathing.

The advantages of the plan are that an approximately constant water level will be maintained at all times in the basin: that the water therein will always be fairly clean; that the absence of currents will make the pool more attractive for pleasure boating, and that less annual dredging will be required, since the river flow will be excluded from the basin at times of high turbidity.

This project will necessitate the provision of a park bridge on the Bennings Road to give pleasure craft access to all parts of the basin, a tide lock at the lower end for the entrance and exit of boats, and a movable bridge over the channel at the entrance to the lock. The cost is estimated at $2,116,587, about $170,000 in excess of that of the existing project. To this must be added the cost of land and of the litigation likely to arise, as the title to the entire river bed and bottom lands, in the upper part of the proposed park area is claimed both by private parties and the United States. The board states that the total cost of the project will depend on the results of this litiga-

Digitized by Google

and on the uncertain cost of the needed land. A part of the cost he project will be met by the assessment of special benefits upon ners of lands abutting on or adjacent to the park, as provided in District of Columbia act approved July 21, 1914.

No change is required in the project for that portion of the work ween the Anacostia Bridge and Massachusetts Avenue.

The Chief of Engineers has reviewed the conclusions of the board l concurs in the revised plan proposed, the general arrangement which is shown on the sheet 11 of the set of plans herewith. Under wording of the law authorizing the work, approval by the board engineers would perhaps be satisfactory to Congress and be con- ered a sufficient authority for proceedings acccording to the revised n; but, inasmuch as the project originally adopted has been pre- ted in the annual reports of the Chief of Engineers, and a number appropriations for the work have been made, he thinks that the oposed modification should be submitted to Congress with a commendation that it be specifically authorized by law. I concur his view and therefore recommend that the next appropriation r the work provide that the reclamation and development of that ction of the Anacostia River between Massachusetts Avenue and e District line be executed in accordance with the plan now pro- sed.

On the 24th ultimo the Secretary of War addressed a letter to the ommissioners of the District of Columbia recommending the sub- ission to Congress of a new description of the land to be acquired r the proposed park, to replace the description found in the act of arch 4, 1913. It is presumed that the description will be sent to ongress by the commissioners at an early date, with recommendation at it be enacted into law. Such action is desirable whether the ork proceeds under the old or the revised project. The same area to be acquired in either case.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

REPORT OF BOARD ON RECLAMATION AND DEVELOPMENT OF THE ANACOSTIA RIVER AND FLATS.

Board convened pursuant to act of Congress making appropriations for the District of Columbia for the fiscal year ending June 30, 1912.]

1. At the request of the District engineer officer, Washington, D. C., the board met at 10 a. m., September 27, 1915, in the district engineer office, to consider modifications of the plan submitted by the board in its report of April 29, 1912.

2. The board consisted of Col. W. W. Harts, United States Army, officer in charge of public buildings and grounds; Lieut. Col. C. A. F. Flagler, Corps of Engineers, district engineer officer; Lieut. Col. C. W. Kutz, Corps of Engineers, Engineer Commissioner, District of Columbia.

3. A history of the project is as follows: In 1898 Col. Allen submitted a project for improvement of the Anacostia River and reclamation of the flats. Although the head of navigation is at Bladensburg, 8¾ miles above the mouth, the project was confined to the river

Digitized by Google

below the District line, which he divided into three sections at the Navy Yard Bridge and Benning Bridge. The project consisted of training walls along either bank, with dredging, the dredged material being used to reclaim the area inshore of the training walls. Col. Allen submitted two projects: Project No. 1, flats to be filled to [illegible] feet above low tide, sea walls and embankment to 14 feet; project No. 2, flats and sea wall to a height of 14 feet.

Estimates.

	No. 1.	No. 2
Section 1 (lower)	$1,218,525	[illegible]
Section 2	976,195	[illegible]
Section 3	644,600	[illegible]
Total	2,839,320	[illegible]

In 1902, Congress adopted project No. 1, for the first section only.

In 1911, Congress appropriated $100,000 for the "reclamation and development of the Anacostia River and Flats," from the Navy Yard Bridge to the District line, on plans to be prepared by a board consisting of the engineer commissioner, officer in charge of public buildings and grounds and the District engineer officer. This board submitted its plan in 1912. It provided for:

(*a*) Construction of a dam with lock at Massachusetts Avenue to maintain pool at normal elevation of 2 feet above mean low water.

(*b*) Construction of river walls between Anacostia Bridge (Navy Yard Bridge) and the dam to 8 feet.

(*c*) Dredging the river in this section.

(*d*) Construction of low walls or gravel beaches along the shores in the basin above the dam.

(*e*) Dredging the river above the dam.

(*f*) Dredging to such depth as to balance the fill.

(*g*) Draw spans to be placed in Pennsylvania Avenue, Pennsylvania Railroad, and Bennings Bridges, with width of 100 feet.

Estimate cost, $2,046,100, of which $1,456,850 is for work above Massachusetts Avenue.

On this plan the board was largely influenced by the report of the park commission of 1902, particularly as regards the location of the dam, the gravel beaches, and the reclamation of islands in the basin as well as the shores to form an aquatic park, suitable for bathing, skating, boating, etc. Plan is shown in 1915 report of the Commission of Fine Arts. This plan was not definitely adopted by Congress. The appropriation of 1912 is "upon plans to be prepared * * * by a board of engineers," etc. Later appropriations are "upon plans heretofore authorized to be prepared." The plan submitted is therefore apparently open to modification without further congressional action. It is believed, however, that any modification should be such as to meet the approval of the Commission of Fine Arts, the successor of the park commission, in this matter.

Work has proceeded in accordance with the plan from the Anacostia Bridge upstream, and work on the sea wall is nearly completed to the Pennsylvania Avenue Bridge; some dredging has been done below the Pennsylvania Avenue Bridge.

Digitized by Google

In regard to the bridge openings, by authority of the Chief of Engineers (no action of the board as far as known) a through span was temporarily placed in the Pennsylvania Avenue Bridge, in lieu of the deck span, giving a clear opening of 112 feet (84 feet normal to stream) and a headroom at mean low water of 31½ feet. At the Pennsylvania Railroad Bridge, that company has put in a temporary vertical lift bridge of 36 feet opening and 31½ feet headroom. Both of these are in lieu of the 100-foot opening provided by the board.

The original project contemplated a highway crossing of the Anacostia River at the site of the Massachusetts Avenue Dam; the crossing to be by drawbridge over the proposed lock in the dam elsewhere on the dam itself and on causeways of approach. A bridge on Massachusetts Avenue had been contemplated years before the park development of the Anacostia River was considered. Design for a bridge at this point dated 1897 is on file in the engineer office. When the park project arose, it was natural that the bridge feature should be incorporated with the dam, and this was done. Great difficulty was however experienced in designing a bridge to utilize the dam. Studies were made in the engineer office to meet the requirements of grade and shore connections and particularly for the passage on the approaches of the park drives and the tracks and yards of the Pennsylvania Railroad. No entirely satisfactory solution was obtained for a low crossing of the bridge. The best solution appeared to be a high viaduct at an elevation of 30 feet and this plan practically eliminated all saving in cost from the use of the dam, and also rendered difficult if not impracticable, any direct roadway connections between the park and bridge levels. From these studies the board concludes that with either the existing or the proposed project, the bridge at Massachusetts Avenue would form no part of the park project, but must be considered as an independent project. The two sides of the Anacostia River are connected by the bridge at Benning near the middle of the park, by the bridge at Pennsylvania Avenue and by the Anacostia Bridge. These appear to serve present needs and the proposed project will in no way militate against construction in the future, if needed, of a bridge at Massachusetts Avenue or at any other point in the Anacostia Park development.

4. The board examined personally the site of the proposed development on the Anacostia, discussed the subject on several occasions with the Commission of Fine Arts, and held additional meetings until March 6, 1916, when the final report was adopted. The board was much aided in its work by Mr. F. L. Olmsted, who was appointed by the Commission of Fine Arts a committee of one to consult with the board on the proposed modifications.

5. The necessity for consideration of the existing project was made apparent in the report of the then district officer, Col. H. C. Newcomer, Corps of Engineers, printed in the Annual Report of the Chief of Engineers for 1915, pages 3469–3470, in which he says, with reference to the dam proposed at Massachusetts Avenue:

During May and June a study of turbidities was made. These studies are still in progress and as far as they have gone it appears that the greater portion, if not all of the sedimentation that has occurred in the Anacostia River, has been brought down from the headwaters of the Anacostia and not as was previously supposed from the freshets in the Potomac. These investigations will be continued for the purpose of determining the advisability of building or omitting the dam from the project.

Digitized by Google

6. The board, after careful consideration of matter presented by the district officer, is of the opinion that no dam should be built entirely across the flow of the Anacostia River for the following reasons:

(*a*) One of the prime objects of the dam as stated in the report of the board of April 29, 1912 (par. 13), is to exclude the silt backed up from the Potomac River by the flood tides. Recent investigations indicate that the silt brought up from the Potomac is much less than that brought down from the headwaters of the Anacostia. From June 2 to August 30, 1915, turbidity samples taken at various points on alternate days gave average results as follows (turbidities are expressed in parts per million):

	Ebb.			Flood.		
	Average.	Maximum.	Minimum.	Average.	Maximum.	Minimum.
Anacostia River:						
Northwest Branch	622	2,000	5	126	800	[illegible]
Northeast Branch	350	1,800	3	197	1,300	[illegible]
Bladensburg Bridge	451	1,600	5	192	1,200	[illegible]
Magruder Bridge	575	1,800	6	151	480	[illegible]
Beaver Dam Branch	82	600	3	216	1,600	[illegible]
Bennings Bridge	281	1,200	12	146	350	[illegible]
Pennsylvania R. R. freight bridge	126	500	22	38	100	[illegible]
Buzzards Point	35	180	10	14	22	[illegible]
Potomac:						
Great Falls	817	3,000	26	.....	.....	.....
Highway Bridge	123	350	20	44	200	[illegible]
Red Buoy, Potomac Park	99	375	10	17	50	[illegible]
Washington Channel: Engineer Wharf	22	60	5	8	10	[illegible]

Turbidity measurements taken in November and December, 1911, and January, 1912, plotted curves of which are herewith (sheet 10), show the following:

On the Potomac turbidities ranging from 40 to 500 at Great Falls produced no greater turbidity than 80 at the Highway Bridge, indicating rapid dilution by the tidal water in the Potomac.

On the Northwest Branch of the Anacostia maximum turbidity reached 1,500, on the Northeast Branch, 1,500, and on the Beaver Dam Branch 6,000. At Bennings Bridge on the Anacostia River, the maximum reached in the period of observation was 250.

The curves show one feature very plainly—within one day after rains, which in no case exceeded 1 inch per day, during the period of observation, the turbidities at all points, except the Highway Bridge over the Potomac, ran up very rapidly and fell equally so. After falling, they remained between 20 and 100 at all points until the next rain.

While the observations cover only a limited period, and leave much to be desired, the results show conclusively the relatively small turbidity in the Potomac waters, and the rapid deposit of material brought down into the Anacostia after rains.

From the turbidity curves the following table has been compiled

Digitized by Google

Silt carried by Anacostia River.

Month and year.	Northwest Branch.			Northeast Branch.			Beaver Dam Branch.			Total deposit.	
	Days considered.	Daily average.	Total for number of days considered.	Days considered.	Daily average.	Total for number of days considered.	Days considered.	Daily average.	Total for number of days considered.	Daily average.	Total for month.
1911.		*Tons.*	*Tons.*		*Tons.*	*Tons.*		*Tons.*	*Tons.*	*Tons.*	*Tons.*
October	10	3.41	34.13	15	26.22	393.23	24	32.09	770.34	61.72	1,913.32
November	30	18.63	558.87	30	34.47	1,033.98	29	60.73	1,761.09	113.83	3,414.90
December	31	67.93	2,105.85	31	47.12	1,460.81	30	73.72	2,211.46	188.77	5,851.87
1912.											
January	30	18.14	544.26	31	25.39	787.01	19	245.30	4,660.47	288.83	8,953.73
February	29	83.48	2,420.97	29	169.34	4,910.42	.....	.....	.....	252.82	7,331.39
March	31	429.48	13,313.77	31	736.01	22,785.36	.....	.....	.....	1,164.49	36,099.13
April	30	29.47	884.22	30	31.33	939.84	.....	.....	.....	60.80	1,824.06
May	31	128.60	3,986.53	31	511.60	15,859.68	.....	.....	.....	640.20	19,846.21
June	30	130.31	3,909.44	30	237.84	7,135.20	.....	.....	.....	363.15	11,044.64
July	31	22.44	695.68	31	36.79	1,140.50	.....	.....	.....	59.23	1,836.18
August	31	4.00	123.93	31	3.29	102.09	.....	.....	.....	7.29	226.02
September	21	35.44	744.29	21	31.09	652.83	.....	.....	.....	66.53	1,995.90

	Tons.
Total	100,337.35
Average daily for Beaver Dam Branch, February to September, 102.96 tons for 243 days	25,019.28
Yearly total from the tributaries of the Anacostia	125,356.68

It is noted that during this period of observation no large floods occurred and that the river stages were without doubt below normal; also that the turbidity observations were surface observations. It is therefore thought that the actual solid matter normally carried by the river would be much in excess of the above figure.

The yearly total corresponds to a daily average of 343 tons brought into the Anacostia River by its three principal tributaries. This is doubtless increased to some extent by material entering the Anacostia itself from its basin below the mouths of the tributaries. The tidal flow in the Anacostia mingling the turbidity of the Potomac with that of the Anacostia has rendered impracticable any definite determination of the silt thus entering the river. It probably does not exceed 10 per cent of that from the tributaries, and with the constant development of drainage systems on the shores, and the extension of intercepting sewers it may properly be neglected.

The determination of the silt carried by the waters entering the river from the Potomac during the flood tide periods is extremely difficult. The observations for turbidity were made during June and August, 1915, and at a time when pump dredge work was in progress in the Anacostia, which give results that are not reliable from the fact that large quantities of silt were carried down the river by the ebb tide and returned up the river by the flood tide before sufficient time elapsed for the silt to precipitate.

From the best information at hand it would appear that during the periods of the highest turbidity in June, 1915, 238 tons of silt from the Potomac would be deposited in the proposed lake in 24 hours, and during August, 1915, 172 tons in 24 hours. During periods of low turbidity the amount transported would be very much smaller, and the average probably not over half the above figure or about 119 tons.

Digitized by Google

Additional light is thrown on this subject by the observed sedimentation in the Anacostia. This was computed from the difference in soundings of the surveys of 1898 and 1911, which indicated a deposit of 73,000 cubic yards per year between the District line and the mouth of the river, or one-half inch per annum over this area. The remainder, as given in the above table, is either deposited in the lower Anacostia or carried into the Potomac. If, however, a dam is constructed at Massachusetts Avenue, practically all of this silt would be deposited above the dam, in a basin of an area of about 18,600,000 square feet, producing an average deposit of 1.26 inches per year. This silt would entail dredging at intervals for its removal, and after reclamation was complete, all material would have to be scowed away through the lock in the dam, at considerable expense.

In addition, the silt would settle on any shallow bottoms, such as gravel beaches, encouraging aquatic growth.

(*b*) The sewage conditions in the Anacostia basin are bad. Sewage is discharged into the three branches from villages and small settlements in Maryland, in considerable quantity. Within the District sewage inflow on the right bank is checked by an intercepting sewer, and probably will be, in the near future, on the left bank. To check that in the three branches would require legislative cooperation from the State of Maryland, which is now being sought. Samples taken August 16–30, 1915, show bacterial content as follows:

	Gelatin.		Agar.		B. coli positive results in 5 samples
	Maximum.	Minimum.	Maximum.	Minimum.	
Northwest Branch	18,000	590	6,300	165	3
Northeast Branch	37,000	395	22,000	58	5
Bladensburg	39,000	1,300	20,000	210	5
Beaver Dam Branch	50,000	550	6,000	95	5
Bennings Bridge	33,000	600	12,000	100	5
Pennsylvania R. R. freight bridge	18,000	375	9,500	300	5
At Great Falls	2,100	160	.....	.....	.....

From this it is plain that construction of a dam would create a pool highly charged with dangerous bacteria until such time as provision for deflection or sterilization of sewage inflow is made, which might require many years.

(*c*) If a dam should be constructed to exclude all tidal inflow, the purity of the basin, even with exclusion of sewage, would require a considerable flow of fresh water to prevent oxygen stagnation, or else treatment with chemicals to the same end. Measurements of fresh water inflow of the Anacostia are very incomplete, but from the best evidence available the following data are given from records of 1911 and 1912:

	Second-feet.
Maximum flow (in May, 1912)	2,984
Minimum flow (in July, 1911)	[illegible]
Maximum average daily flow for 1 month (in March, 1912)	44[illegible]
Minimum average daily flow for 1 month (in July, 1911)	1[illegible]

During the four months, July–October, 1911, the mean flow did not exceed 80 second-feet. It is estimated that evaporation over the pool area during the summer months would diminish these figures an average of 4 second-feet.

Digitized by Google

To completely replace the water in the pool (elevation +2) with a w of 80 second-feet would require 29 days. A flow of 200 second-t (about the annual average) would require 12 days. Data as to w needed to prevent oxygen stagnation in similar park basins were t obtained, though efforts were made to obtain them. It is doubt-. if the average monthly flow would be sufficient for this purpose, d still more doubtful considering the average for the four summer onths. The question of storage reservoirs at the headwaters was nsidered. Studies of the valleys of the tributaries were made and servoir sites selected. With two reservoirs, it is estimated that uring periods of low precipitation an additional flow of 77 second-feet uld be secured. The estimated initial cost of the reservoirs is ,044,000, which is far in excess of the value of the increased flow.

Purification by construction of a settling basin above the pool and ilorine treatment was considered. The estimate for the basin was 189,720. The cost of the hypochlorite of lime required could be etermined only by experiment, but would doubtless be large. This ethod is deemed too costly for further consideration.

With a dam crest at +2 feet it would, of course, be practicable to ecure some purification of the pool by the occasional admission of idal water at high tide. The results to be obtained are purely con-ectural.

In the project recommended below the question of the purity of he water in the proposed lateral basin has been considered by the oard. Experience only will show whether satisfactory conditions vill be obtained without special provision for the purification of he water. The board, however, believes that under the recom-nended project the water in the lateral basin will, without special rrangements, be satisfactory for all purposes except drinking and bathing.

7. The elimination of the dam across the Anacostia limits the project for an aquatic park basin to two courses of action, (*a*) to provide a special channel for the river and a lateral basin separated therefrom by a wall or embankment, and (*b*) to permit a free flow of the river and tidal currents through the basin. The board consid-ered carefully the costs and advantages of these two plans.

8. Sheet 11, herewith, shows a park layout adopted by the board for the lateral-basin plan. It provides a channel of adequate dimen-sions for navigation and for extreme freshet flows along the left bank of the river, and an aquatic park basin on the right bank, separated from the river channel by a continuous bank. Provision for needed flow of water through the basin is made by influent gates at the upper end of the bank and by effluent gates at the lower end, fresh water to be admitted at the upper end at periods of low turbidity and released at the lower end at proper stages of the tide. This project necessitates the provision of a park bridge on the Bennings Road to give access by pleasure craft to all parts of the basin, a tide lock at the lower end for entrance and exit of boats, and a movable bridge over the channel giving admission to the lock. Details of these structures, together with the influent and effluent gate houses, conduits, spillways, etc., are shown on sheets 1 to 9, herewith.

9. For the tidal basin plan a similar arrangement of shores and islands was considered except that the bank between the basin and

Digitized by Google

channel would be transformed into an irregular chain of islands presenting the same area for the disposition of dredged material.

10. While either of these plans is entirely feasible, the lateral basin presents marked advantages over the tidal basin. It will permit an approximately constant level being maintained in the basin (variation only a little over 2 inches), will secure at all times fairly clean water in the basin, will obviate any currents, thereby adding to attraction for pleasure boating, and will permit the use of low walls along the shores, with resulting economy and added beauty. The Commission of Fine Arts laid special stress upon the last-named advantage, as compared with the higher walls that would be required in a tidal basin, presenting at low tide a height of about 6 feet of unattractive masonry covered more or less with deposits of silt and growth of algæ; in short, that a tidal basin would rob the aquatic park of nearly all its elements of artistic beauty, and that long lines of seawall 6 feet in height would greatly mar the effect desired. A further advantage is the economy in dredging for annual maintenance, which would be much larger in the tidal basin, open at all times under all conditions, than in the lateral basin where the river water would be excluded at all periods of high turbidity. The bridge and other structures incident to the lateral basin plan will also prove ornaments to the park.

11. The board's estimate for the lateral basin plan from Massachusetts Avenue to the District line is as follows:

River walls, 30,800 linear feet, at $15	$462,000
Basin walls, 33,300 linear feet, at $11	366,300
Island walls, 18,660 linear feet, at $11	205,260
Dredging river channel, 3,323,000 cubic yards, at 7 cents	232,610
Dredging basin, 4,326,900 cubic yards, at 7 cents	302,883
Lock, bridge, and effluent gatehouse	111,195
Influent gatehouse	50,290
Conduit and cable connecting gatehouse	5,000
Park bridge on Benning Road	158,774
Alteration of Benning Bridge (one-half)	30,000
	1,924,170
Engineering and contingencies, 10 per cent	192,417
Total	2,116,587

In addition to this estimate will be the cost of purchase of land. Not only is the price per acre of the land purely conjectural but the amount required can not be even approximately estimated, due to the fact that in the upper part of the park area the title to the entire river bed and bottom lands is claimed by private parties, and also by the United States. The total cost will, therefore, depend on the result of litigation that can not now be predicted.

12. For the tidal basin, uncertain conditions make it difficult to arrive at an accurate estimate, but a rough estimate prepared indicates that the cost will fall little if any below that of the lateral basin plan, either in first cost or annual maintenance. Although the lock, bridges, etc., provided in the lateral basin plan would be omitted in the tidal basin plan, this item of first cost is about balanced by the necessity for high walls along the shores throughout in the tidal basin, and annual cost of operation in the lateral basin by the much larger annual deposit of silt to be removed by dredging in the tidal basin.

Digitized by Google

13. A part of the expense of this project under whatever plan is adopted will be met by the assessment as special benefits to be made upon owners of lands abutting on or adjacent to the park as provided for by law in the District of Columbia act approved July 21, 1914.

14. Other features, besides the dam, of the existing project were also considered by the board as follows:

(*b*) and (*c*) No change is required in the project between the Anacostia Bridge and Massachusetts Avenue.

(*d*) Use of sea walls instead of gravel beaches.

The original board recommended walls 8 feet high, if no dam were employed, and if a dam were constructed, sand or gravel beaches or "at most, nothing more than a low wall, costing about $5 per linear foot." It is now evident that gravel beaches could not be maintained and kept clean without excessive labor with any depth less than 4 feet, and with the deposit thereon of silt from the Anacostia (with or without a dam) aquatic vegetation would grow so rapidly as to render the beaches unsightly and unfit for use as bathing or wading beaches; furthermore, a recent estimate for gravel beaches is—ordinary beaches 60 feet out from water line, $15 per foot; wading beaches, 250 feet out, $50. In case a wall is used, the following dimensions are recommended: For a tidal basin a masonry wall 6 feet above mean low water on a riprap substructure, estimate $15 per foot. With a constant level basin, a 3-foot wall, estimate $11, is ample and much more sightly.

15. The lateral basin plan contemplates dredging to a depth of 9 feet at mean low water in the river channel and 6 feet in the basin. The dredged material will be used for fill on the islands and shores as follows:

East bank of river channel from elevation +6 at the water edge to +10 feet at the shore boundary west bank of river channel from elevation +6 at the water edge to +12 feet at the park roadway, sloping down again to +3 feet at the basin wall.

West bank of basin from elevation +3 feet at the water edge to +10 feet at the park boundary.

Islands from elevation +3 at the water edge to +6 or +8 in the center.

16. A comparison of the estimates of the present plan (board's report of Apr. 29, 1912) and the proposed plan is made in the table below. These estimates are for work above Massachusetts Avenue; that below remains unchanged.

While the estimate for the present project for work above Massachusetts Avenue is, as stated above, $1,456,850, for purposes of comparison under present conditions, changes must be made therein for following reasons: The unit cost of dredging is reduced from 12 cents to 7 cents per cubic yard; the latter figure has been proven a safe one by recent operations in the river.

The cost of sea walls is increased from $5 per linear foot to $11, for reasons stated above, the type of wall proposed by the original board being evidently unsatisfactory. A scrutiny of the original estimate shows also that the provision for sea wall is only sufficient for the sides of the basin and makes no allowance for islands. As these are an essential feature of the park and are inserted in all plans that have been prepared since that of the park commission,

Digitized by Google

it would appear that the original estimate should be increased fo purpose of comparison. If a similar island extent to that no proposed is added to the original estimate, 51,080 linear feet o wall will be required.

An item is also inserted for the necessary alterations to the Be ning Bridge to provide a draw opening for navigation. This bridg now consists of two bridges side by side, one built and maintaine by the District of Columbia government and one by the tractio company operating a trolley track across the river. It is believe that a single bridge with suitable opening should be provided i lieu of the existing bridge and the cost thereof borne equally b the traction company and the District of Columbia. The est mated cost of the bridge is $66,000.

Items.	Present project.		Proposed lateral-basin project.	
	Quantity.	Cost.	Quantity.	Cost.
Lock, dam, and bridges		$424,700		[illegible]
Dredging ... cubic yards	5,561,000	486,588	7,649,900	[illegible]
Sea walls ... feet	82,940	1,003,574	82,760	[illegible]
Benning Bridge		33,000		[illegible]
Total		1,947,862		[illegible]

* Difference, $168,725.

17. The board concludes:

(1) That the present project is impracticable owing to the large amount of silt in the Anacostia River.

(2) That the alternate projects involving a lateral basin or a tidal basin are both feasible and of approximately the same cost.

(3) That the lateral-basin project is preferable on account of increased park beauty, better quality of water in the basin, and added comfort for pleasure craft and aquatic sports, due to the absence of currents.

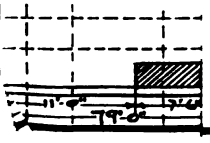
(4) That the cost of the lateral-basin project is about $170,000 in excess of the existing project if the same park layout is followed.

The board therefore recommends that the lateral-basin project as described above be adopted in lieu of the existing project for a constant level basin with a dam across the Anacostia River.

WM. W. HARTS,
Colonel, United States Army.
C. A. F. FLAGLER,
Lieutenant Colonel, Corps of Engineers.
C. W. KUTZ,
Lieutenant Colonel, Corps of Engineers.

O

Digitized by Google



Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

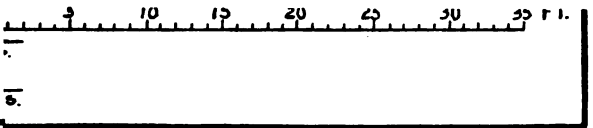
louse Dec. No. 1357; 64th Cong., 1st Sess.

Digitized by Google

Digitized by Google

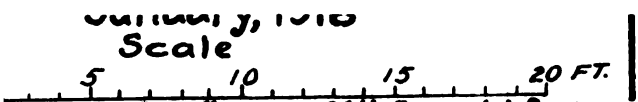
Digitized by Google

Digitized by Google



Digitized by Google

Digitized by Google



House Doc. No. 1257; 64th Cong., 1st Sess.

Digitized by Google

Digitized by Google

Lieut.-Col. Corps of Engineers.

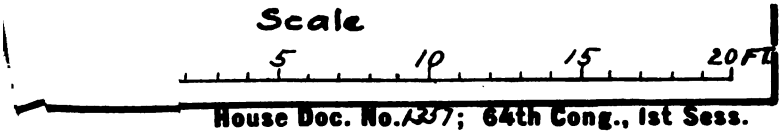
25 30 FT.

Lieut.-Col. Corps of Engineers.

House Doc. No. 1357; 64th Cong., 1st Sess.

Digitized by Google

Digitized by Google



House Doc. No. 1237; 64th Cong., 1st Sess.

Digitized by Google

Digitized by Google

January, 1916

House Doc. No. 1357; 64th Cong., 1st Sess.

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google

Digitized by Google